# MONTANA ADMINISTRATIVE REGISTER

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ISSUE NO. 14

The Montana Administrative Register (MAR or Register), a twice-monthly publication, has three sections. The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted. The Rule Adoption Section contains final rule notices which show any changes made since the proposal stage. All rule actions are effective the day after publication of the adoption notice unless otherwise specified in the final notice. The Interpretation Section contains the Attorney General's opinions and state declaratory rulings. Special notices and tables are found at the end of each Register.

Inquiries regarding the rulemaking process, including material found in the Montana Administrative Register and the Administrative Rules of Montana, may be made by calling the Secretary of State's Office, Administrative Rules Services, at (406) 444-9000.

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BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

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| In the matter of the adoption of New Rules I through XXIII pertaining to banking, the amendment of ARM 2.59.1101 through 2.59.1103, pertaining to bank branches, and the repeal of ARM 2.59.108, pertaining to limitations on loans, and 2.59.901, pertaining to bank branch relocations | ) ) ) ) ) ) ) | NOTICE OF PROPOSED ADOPTION, AMENDMENT, AND REPEAL<br><br>NO PUBLIC HEARING CONTEMPLATED |

TO: All Concerned Persons

1. On September 12, 2020, the Department of Administration proposes to adopt, amend, and repeal the above-stated rules.

2. The Department of Administration will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Administration no later than 5:00 p.m. on August 5, 2020, to advise us of the nature of the accommodation that you need. Please contact Heather Hardman, Division of Banking and Financial Institutions, P.O. Box 200546, Helena, Montana 59620-0546; telephone (406) 841-2922; TDD (406) 841-2974; facsimile (406) 841-2930; or e-mail to banking@mt.gov.

3. GENERAL REASONABLE NECESSITY STATEMENT: The 2019 Montana Legislature enacted Chapter 75, Laws of 2019 (Senate Bill 58), an act generally revising the Montana Bank Act. Senate Bill 58 was signed by the Governor on March 20, 2019, and became effective October 1, 2019. The department determined it is reasonably necessary to adopt New Rules I through VI, IX through XI, and XIII and to amend and repeal certain rules to implement the legislation.

As part of the periodic review of its administrative rules, the department determined adoption of additional rules and amendment of certain rules were necessary to describe current banking practices and procedures used by the department. Accordingly, the department has determined that it is reasonably necessary to adopt New Rules VII and VIII, XII, and XIV through XVI and to amend ARM 2.59.1101 through 2.59.1103. Some of the proposed amendments are technical in nature, such as deleting unnecessary or redundant sections, updating and improving grammar and language choices, and amending rules for accuracy, consistency, simplicity, better organization, and ease of use.

New Rules XVII through XXII are a revision of the current limitations on loans rule found in ARM 2.59.108. The meaning of the current rule is not being changed. The rule is being redrafted to improve readability and aid in comprehension. The department routinely receives more inquiries about the meaning and application of the legal lending limit than any other rule it maintains. Bankers and regulators alike

struggle to decipher the meaning of the existing rule. Therefore, the department is proposing to repeal ARM 2.59.108 and separate the sections and subsections of the existing rule into several distinct new rules, each dealing with a portion of the subject matter regarding limitations on loans that was previously part of ARM 2.59.108. Where additional specific bases for a proposed action exist, the department will identify those reasons immediately following that rule.

4. The rules proposed to be adopted provide as follows:

NEW RULE I DEFINITIONS For purposes of this subchapter, the following definitions apply:

(1) "Consolidate" means a combination of two or more office locations within the same immediate neighborhood that does not substantially affect the nature of the business or customers served. Thus, for example, a consolidation of two branches on the same block following a merger would not constitute a branch closing. Banks that are in doubt about whether a consolidation or a closing has occurred should consult the department. A consolidation is considered a relocation for purposes of [New Rules II and VI].

(2) "Customer" means a person who opened an account at the branch location in question.

(3) "Relocate" means a movement within the same immediate neighborhood that does not substantially affect the nature of the business or customers served. Generally, relocations involve movement over short distances. For example, moves across the street, around the corner, or within two blocks are relocations. Moves of less than 1,000 feet are relocations. In less densely populated areas of the state or where neighborhoods extend farther, a longer move that does not substantially affect the nature of the business or the customers served by the office location may also be a relocation. Banks that are in doubt about whether a relocation or a closing has occurred should consult the department.

AUTH: 32-1-211, 32-1-218, 32-1-222, 32-1-372, MCA
IMP: 32-1-211, 32-1-218, 32-1-222, 32-1-372, MCA

REASON: A loan production office or a branch that is being consolidated with another location or relocated to a nearby area should not have to go through the process of closing one location and opening another one. The concepts of consolidation and relocation have been developed by the federal banking agencies to allow an institution to either combine locations that are close to one another or move a location a relatively short distance.

Consistent with FDIC regulations, these definitions have been developed to allow flexibility, while recognizing that the essence of the definition is whether the location serves the same immediate neighborhood. In Froid, a move of 1500 feet may not be a relocation, whereas in Billings it may be, depending on whether the location continues to serve the same immediate neighborhood after the move.

The definition of customer is needed to allow institutions to determine who should receive notices of closures or relocations.

NEW RULE II LOAN PRODUCTION OFFICE (1) A bank that desires to establish a loan production office in this state shall provide written notice to the department of its intent to do so at least thirty days prior to opening the loan production office using the Notice of Intent to Establish a Loan Production Office form dated June 29, 2020, located at www.banking.mt.gov.

(2) A bank organized under the laws of Montana that intends to open a loan production office in another state shall submit copies of all required regulatory filings or notices required by the host state and federal agencies along with the items required in the Notice of Intent to Establish a Loan Production Office form, if they are not already included in the form, to the department.

(3) A bank that desires to relocate or close a loan production office temporarily or permanently shall give the notice to its customers using the customer Notice of Relocation form dated June 29, 2020, or customer Notice of Closure form dated June 29, 2020, located at www.banking.mt.gov.

(4) The relocation or closure form shall be provided to customers of the loan production office by posting it at the loan production office at least fifteen days before the relocation or closure of the office. The relocation or closure form shall be provided to the department at the same time.

(5) The department reserves the right to request additional information regarding opening, closing, or relocation of a loan production office.

(6) If the loan production office will be using an assumed name, compliance with 32-1-402, MCA, is required.

(7) Each loan production office shall be subject to examination and supervision by the department in the same manner and to the same extent as the bank.

(8) Each loan production office operating in Montana as of the effective date of this rule, shall provide written notice to the department containing the information required in (1) on or before October 1, 2020.

AUTH: 32-1-211, 32-1-222, MCA
IMP: 32-1-211, 32-1-222, 32-1-561, 32-1-562, 32-1-563, 32-1-564, 32-1-565, MCA

REASON: SB 58 allowed the department to require notice of the establishment, relocation, and closure of loan production offices. The department has proposed New Rule II to implement these requirements. The notices will be available on the department's website to allow banks immediate access to the forms and the procedures involving loan production offices. The Notice of Intent to Establish a Loan Production Office form dated June 29, 2020, will be used to obtain the information necessary for the department to determine which bank is opening a loan production office, where the office will be located, who will be running the office, when it will open, and what activities will be conducted there. This is the rudimentary information needed by the department to monitor banking activities in this state.

The rule also provides for online forms for the relocation of a loan production office and temporary or permanent closure of a loan production office. This allows banks to use standardized forms and processes which are immediately available online to notify customers, and the department, of closures or relocations of loan production offices. One purpose of the notice is to inform customers when a loan production office is being relocated. The notice may also be used if the loan production office is being closed temporarily or permanently to notify customers of the date of closure and reason for the closure.

New Rule II also addresses permanent or temporary non-emergency closures for loan production offices. Emergency closures are governed by 32-1-561 through 32-1-565, MCA.

The rule allows the department to request additional information as needed regarding opening, closing, or relocating loan production offices.

The rule makes clear that if an assumed name is used for the loan production office, 32-1-402, MCA, applies.

The rule provides that loan production offices are subject to examination by the department in the same manner and to the same extent as the bank. This proposal ensures consistency in examinations and removes any suggestion that a loan production office is somehow disassociated from the bank that operates it.

Section (8) allows the department to have an accurate idea of the loan production offices operating currently in Montana, which is necessary for the department to perform its regulatory functions. Therefore, the department is requiring notice from all currently existing loan production offices in this state.

NEW RULE III BRANCH BANKS (1) A bank organized under the laws of this state that is a qualifying institution, as set forth in (2), may establish a branch in Montana upon summary notice and approval by the department. The notice shall be given using the Request for Summary Approval of Branch form dated June 29, 2020, which is located at www.banking.mt.gov.

(2) In order to qualify for summary notice, the bank shall:

(a) have received its bank charter at least five years prior to making the request;

(b) be well-capitalized as defined in 12 CFR Part 324 by the Federal Deposit Insurance Corporation, if the bank is a nonmember bank; or as defined in 12 CFR 208.43(b)(1) by the Federal Reserve Board of Governors, if the bank is a member bank of the Federal Reserve System;

(c) have received a CAMELS composite rating of one or two on its most recent state or federal safety and soundness examination;

(d) have received a management rating of one or two on its most recent state or federal regulatory examination; and

(e) not be a party to any formal or informal enforcement action initiated by a state or federal regulatory agency.

(3) The bank shall certify that it is a qualifying institution as of the date of the request.

(4) A bank that is not a qualifying institution as of the date of the request shall comply with ARM 2.59.1101 and 2.59.1103.

(5) The department shall approve or deny a summary notice and application within 15 business days of receipt of a complete notice and application.

AUTH: 32-1-211, 32-1-218, 32-1-372, MCA
IMP: 32-1-211, 32-1-218, 32-1-372, MCA

REASON: SB 58 removed the state bank board from the branch approval process to streamline the branching process. In the past, branching was highly controversial and hotly contested. It no longer is. This is largely due to the development and widespread adoption of electronic banking platforms. In this rule, the department allows institutions that do not present regulatory concerns a streamlined process to establish a branch. The criteria that an institution must meet to avail itself of the streamlined branching process are located in (2). A bank that qualifies for the summary notice procedures in (2) is in sufficient condition to not present regulatory concerns regarding branching. The notice gives the department the information it needs to process the request to branch. Upon receipt of the notice, the department can determine if a bank should be allowed to branch as requested.

However, the department maintains its ability to supervise institutions that may seek to branch while there are supervisory concerns at the institution. In those instances, the institution must comply with the full application, notice, and comment requirements of the current rules.

Given the streamlined approval process described in this rule for qualifying institutions, it is appropriate for the department to approve or deny a summary notice and application within 15 business days of receipt of a complete notice and application.

NEW RULE IV MONTANA BANKS BRANCHING OUTSIDE MONTANA

(1) In order for a bank organized under the laws of this state to request approval for a branch outside of Montana, the bank must submit copies of all required regulatory filings or notices required by the host state and federal agencies and comply with [New Rule III] and the branching requirements of the state into which it seeks to branch.

AUTH: 32-1-211, 32-1-218, 32-1-372, MCA
IMP: 32-1-211, 32-1-218, 32-1-372, MCA

REASON: A bank organized in this state that seeks to branch into another state must comply with the branching laws and regulations of both Montana and the state into which it seeks to branch. The Dodd-Frank Wall Street Reform and Consumer

Protection Act of 2010 authorized banks to open an initial branch in a host state by establishing a de novo branch at any location at which a bank chartered by the host state could establish a branch, and upon approval of the home state and appropriate federal regulator. New Rule IV sets forth the department's process to allow banks organized in Montana to branch into another state.

NEW RULE V BANKS ORGANIZED OUTSIDE OF MONTANA BRANCHING INTO MONTANA (1) Banks organized under the laws of a state other than Montana or a national bank must submit copies of all required regulatory filings or notices required by the home state and federal agencies and comply with [New Rule III] in order to branch into Montana.

AUTH: 32-1-211, 32-1-218, 32-1-372, MCA
IMP: 32-1-211, 32-1-218, 32-1-372, MCA

REASON: Pursuant to 32-1-372, MCA, a bank organized under the laws of a state other than Montana that seeks to branch into Montana must comply with the branching laws and rules of Montana and get the approval of its organizing state and the appropriate federal regulator. The Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 authorized banks to open an initial branch in a host state by establishing a de novo branch at any location at which a bank chartered by the host state could establish a branch. New Rule V sets forth the process by which that can occur.

NEW RULE VI CLOSING OR RELOCATING A BRANCH BANK (1) A bank that desires to relocate or close a branch temporarily or permanently shall give the appropriate notice to its customers using the customer Notice of Relocation form dated June 29, 2020 or customer Notice of Closure form dated June 29, 2020. The forms are located at www.banking.mt.gov.

(2) The relocation or closure form shall be provided to customers of the branch by posting it at the branch at least thirty days before the relocation or closure of the branch. The relocation or closure form shall be provided to the department at the same time. The bank shall also notify its customers at least thirty days before the relocation or closure, by any effective method.

(3) The department reserves the right to request additional information regarding closing or relocation of a branch.

AUTH: 32-1-211, 32-1-218, 32-1-372, MCA
IMP: 32-1-211, 32-1-218, 32-1-372, MCA

REASON: SB 58 amended 32-1-372, MCA, to require that a bank notify its customers and the department of any closure or relocation of a bank branch. This rule provides the process for that notification as well as the form to be used to provide the notice to bank customers and the department. The form is located on the department website for ease of use.

NEW RULE VII TEMPORARY EMERGENCY CLOSURE OF BRANCH

(1) A bank that closes a branch under the authority of 32-1-563(1), MCA, for 48 hours or less shall notify the department using the Temporary Emergency Branch Closure form dated April 10, 2019, located at www.banking.mt.gov.

AUTH: 32-1-211, 32-1-218, MCA
IMP: 32-1-211, 32-1-218, 32-1-561, 32-1-562, 32-1-563, 32-1-564, 32-1-565, MCA

REASON: Banks may have to close branches for a short period of time due to an emergency. Some examples of this are: weather events that make travel so hazardous employees and customers cannot access the branch for a short time, flooding which can be remediated in 48 hours or less, or circumstances that preclude safe travel. Under these conditions, 32-1-563, MCA, allows the officers of the bank the authority to close a branch for up to 48 consecutive hours, without requesting the approval of department. However, the bank must provide notice of the closure to the department as promptly as possible. The temporary emergency closure form facilitates notification. It is provided on the department's website to allow banks to quickly access and submit the form.

NEW RULE VIII EMERGENCY CLOSURE OF BRANCH (1) A bank that closes a branch under the authority of 32-1-563(1), MCA, for more than 48 hours shall notify the department using the Emergency Branch Closure form dated April 17, 2019, located at www.banking.mt.gov.

AUTH: 32-1-211, 32-1-218, MCA
IMP: 32-1-211, 32-1-218, 32-1-561, 32-1-562, 32-1-563, 32-1-564, 32-1-565, MCA

REASON: A bank branch that closes for more than 48 consecutive hours on an emergency basis as set forth in 32-1-563, MCA, must notify the department of the closure and request approval to stay closed for longer than 48 consecutive hours. Examples of such events include: flooding that damages all the wiring and computers of the branch so badly it had to be closed for a complete remodel and fires, earthquakes, and other casualty events that severely damage the bank branch. The department created a form to allow the bank to notify the department of the circumstances of the closure and to request approval to stay closed until the emergency abates. The form is located on the department's website to allow banks to quickly access and submit the form.

NEW RULE IX CHANGE IN CONTROL (1) An applicant filing under 32-1-378(1)(b), MCA, shall use the Application for Change in Control form dated June 29, 2020, which is located at www.banking.mt.gov.

(2) An applicant or other person subject to this rule shall notify the department immediately of any material changes in a notice or application submitted to the department, including changes in financial or other conditions.

(3) The department may require a person who is obligated to file an application under 32-1-378, MCA, to appoint a registered agent in this state for

service of process upon the filing of such notice or as a condition to the acceptance of such application for review.

AUTH: 32-1-211, 32-1-378, MCA
IMP: 32-1-211, 32-1-378, MCA

REASON: SB 58 adopted a change in control provision in the Montana Bank Act. Section 32-1-378(1)(b), MCA, requires the department to develop a form for an Application for Change in Control. That form has been developed using the requirements of 32-1-378, MCA. It is available on the department's website to allow banks immediate access to the form. The applicant or other person subject to the rule should notify the department immediately if any of the information on a submitted application changes, so that the department has current information on which to base its decision. It may be necessary for the department to require a person to appoint a registered agent in Montana for service of process if that person is not located in this state to allow the department to have a registered agent to serve in the event of litigation involving the change in control.

NEW RULE X REPORT OF DECLARATION AND PAYMENT OF DIVIDEND

(1) A bank that declares a dividend shall use the Report of Declaration and Payment of Dividend form dated June 29, 2020, which is located at www.banking.mt.gov to report to the department.

AUTH: 32-1-211, 32-1-232, MCA
IMP: 32-1-211, 32-1-232, MCA

REASON: SB 58 amended the report of declaration of dividend statute to allow banks 30 days, instead of 10 days, to report the declaration of a dividend to the department. The department has developed a form located on its website that complies with 32-1-232, MCA, and allows banks to make this report to the department.

NEW RULE XI CONFLICTS OF INTEREST For purposes of 32-1-212, MCA, the following definitions apply:

(1) "Interested in" means the commissioner or deputy commissioner:

(a) is an officer, director, or employee of a supervised entity or an individual or person owning or controlling a supervised entity;

(b) owns or deals in, directly or indirectly, the shares or obligations of a supervised entity or a person that owns or controls the supervised entity;

(c) receives, directly or indirectly, any salary, fee, or compensation from a supervised entity or any officer, director, or employee of a supervised entity; or

(d) is married to an individual who is employed by a supervised entity.

(2) "Supervised entity" means any entity chartered or supervised by the department.

(3) An investment in a mutual fund, even a proprietary mutual fund, serviced or advised by a supervised entity, does not constitute having an interest in the supervised entity.

(4) Any indebtedness incurred under 32-1-212, MCA, shall be disclosed in writing annually to the commissioner. The commissioner shall disclose any indebtedness incurred under 32-1-212, MCA, in writing annually to the director of the department.

(5) Any employee of the department who cannot timely pay any sum due to a supervised entity must immediately disclose that fact to the commissioner. If the commissioner cannot timely pay any sum due to a supervised entity, the commissioner must immediately disclose that fact to the director of the department.

AUTH: 32-1-211, 32-1-212, MCA
IMP: 32-1-211, 32-1-212, MCA

REASON: SB 58 amended 32-1-212, MCA, to provide that the commissioner or deputy commissioner may not be interested in any entity chartered or supervised by the department. This rule defines what it means to be interested in a supervised entity and what is not an interest in a supervised entity.

The rule also requires all employees of the department to annually disclose to the commissioner any indebtedness that they owe to any supervised entity. This allows the department to take measures to ensure the examiner will not be involved in any examination of an institution to which that examiner owes money. The rule also requires any employee who cannot repay a debt when due to immediately notify the commissioner so that measures can be taken to ensure that employee has no contact with the entity in question. Likewise, if the commissioner cannot repay a debt when due to immediately notify the director of the department so that measures can be taken to ensure that the commissioner has no contact with the entity in question.

NEW RULE XII OATHS OF DIRECTORS (1) Banks shall use the Oath of Directors form dated June 29, 2020, which is located on the website at www.banking.mt.gov for oaths of directors.

(2) If a new director takes office at a time other than at the annual meeting, only the new director(s) shall sign the oath of directors which shall be promptly submitted to the department.

AUTH: 32-1-211, 32-1-322, MCA
IMP: 32-1-211, 32-1-322, MCA

REASON: Section 32-1-322, MCA, requires that every director take and subscribe an oath that the director will diligently and honestly perform the director's duty in the office and the director will not knowingly violate or permit a violation of any of the provisions of the Montana Bank Act. In the case of a director who, for whatever reason, leaves the position at a time other than at the annual meeting, the bylaws provide that the board can fill the position until the next annual meeting. If this occurs, only the new director needs to sign the oath of directors which shall be promptly submitted to the department. The entire board does not need to resign the oath of directors form on the addition of interim members.

NEW RULE XIII CONVERSION OF A NATIONAL BANK TO A STATE BANK

(1) Upon conversion:

(a) the resulting state bank succeeds, without other transfer, to all the rights and property of the converted bank and is subject to all the debts and liabilities of the converted bank in the same manner as if the resulting state bank itself had incurred them;

(b) all rights of creditors of the converted bank and all liens upon the converted bank's property are unimpaired by the transfer, provided that the liens are limited to the affected property immediately prior to the time when the conversion became effective;

(c) title to all real, personal, and mixed property owned by the converted bank is vested in the resulting state bank without reversion or impairment and without the necessity of any instrument of transfer;

(d) the resulting state bank has all the liabilities, duties, and obligations of the converted bank, including obligations as fiduciary, personal representative, administrator, trustee, or guardian; and

(e) any pending action or other judicial proceeding to which the converted bank was a party may continue to be prosecuted to final judgment, order, or decree as if the conversion had not occurred, or the resulting bank may be substituted as a party to the action or proceeding.

(2) Upon conversion, a resulting bank that is organized under the laws of this state:

(a) shall designate and operate a location of the converted bank as its main banking house; and

(b) may maintain the branch banks and other offices previously maintained by the converted bank.

AUTH: 32-1-211, 32-1-374, MCA
IMP: 32-1-211, 32-1-374, MCA

REASON: SB 58 amended 32-1-374, MCA, to clarify that a national bank converting to a state bank does not dissolve and reconstitute as a state charter. This rule is necessary to elaborate on the conversion process and make clear the types of rights, duties, and obligations that transfer to the resulting state bank. It also makes clear that the converted bank may designate a location as its main banking house and maintain any other existing offices and branches as existed prior to conversion.

NEW RULE XIV FORM TO REPORT DIRECTORS AND OFFICERS

(1) Banks shall use the List of Officers and Directors form dated June 29, 2020, which is located on the department's website at www.banking.mt.gov to report the directors and officers elected at the annual meeting and the board meeting to the department. The report shall be submitted to the department within thirty days of the date of the last meeting at which an election of officers or directors was held.

AUTH: 32-1-211, 32-1-218, MCA

IMP: 32-1-211, 32-1-218, 32-1-322, 32-1-325, MCA

REASON: Section 32-1-322, MCA, requires the board of directors to be elected at the annual meeting of the stockholders. For the department to ensure that the residency and other requirements of 32-1-322, MCA, are met, banks must report their directors to the department. Section 32-1-325, MCA, requires the board to elect the officers of a bank at one of its meetings. For the department to ensure that this has been properly done, banks must report their officers to the department. The reports are combined into one form which is located on the website for ease of use. The report should be filed within thirty days after whichever meeting is later.

NEW RULE XV FOREIGN FIDUCIARY TRUST COMPANY (1) A bank that seeks to act as a fiduciary foreign trust company shall provide a letter from the chartering authority in the state in which the foreign trust company maintains its principal office stating that the foreign trust company is in good standing in the chartering state and that banking or trust associations or corporations organized under the laws of this state or national banking associations that maintain their principal offices in this state are permitted to act as trustees, guardians, or conservators in the state in which the foreign trust company maintains its principal office. If there are any limitations on the ability of the foreign trust company to solicit or do business in the state of its principal office, the letter shall set forth any limitations in detail.

AUTH: 32-1-1007, MCA
IMP: 32-1-1002, 32-1-1007, MCA

REASON: Section 32-1-1002, MCA, provides, "[a] foreign trust company may accept appointments in this state if banking or trust associations or corporations organized under the laws of this state or national banking associations that maintain their principal offices in this state are permitted to act as trustees, guardians, or conservators in the state in which the foreign trust company maintains its principal office." This rule makes clear that the chartering entity in the state in which the foreign trust company maintains its principal office should make this representation by letter to the department.

The 1993 statement of intent makes clear that the 1993 Legislature intended that the rules allow a foreign trust company to establish branches or offices of any sort in Montana or to solicit business in Montana only if reciprocating states generally permit such solicitation. The rule makes clear that any limitations must be set forth in detail by the home state of the foreign trust company.

NEW RULE XVI PARITY WITH NATIONAL BANKS (1) A bank that seeks to use 32-1-362, MCA, in order to engage in any activity or business in which the bank could engage if it were operating as a national bank shall request approval from the department in writing, preferably by electronic communication sent to banking@mt.gov.

(2) The request for approval shall include:

(a) the power or activity the bank seeks to engage in;

(b) a citation to the federal law, rule, or interpretive ruling that clearly authorizes national banks to engage in that activity; and

(c) a description of all the relevant details of the proposed activity or business that will allow the department to decide on the request.

AUTH: 32-1-211, 32-1-362, MCA
IMP: 32-1-211, 32-1-362, MCA

REASON: Section 32-1-362, MCA, allows a state-chartered bank to engage in any activity or business that a national bank could engage in if that power or activity is not expressly limited or prohibited by state law. This is commonly known as a "parity" or "wildcard" statute. This rule establishes a procedure for state-chartered banks to make application for approval to the department to use these powers. The department prefers all requests for approval be sent by electronic means, especially during the COVID-19 pandemic taking place at the time of this rulemaking. The rule sets forth the information the department needs to process the request.

NEW RULE XVII DEFINITIONS For purposes of [New Rule XVIII through XXIII], the following definitions apply:

(1) "Commitment to lend or extend credit" includes, but is not limited to:

(a) undisbursed portions of operating, construction or other lines of credit, up to limits established by a written agreement between the lender and the borrower;

(b) undisbursed portions of credit lines established to cover overdrafts;

(c) undisbursed portions of credit card plans; and

(d) standby letters of credit.

(2) "Loan or extension of credit" includes, but is not limited to:

(a) direct loans, whether on the bank's books or charged off the bank's books, subject to the exclusions in [New Rule XXII].

(b) loans, extensions of credit, or participation in loans or extensions of credit sold with recourse to or guaranteed by the bank;

(c) letters of credit, other than standby letters of credit;

(d) overdrafts, excluding intra-day overdrafts for which the bank receives payment prior to its close of business; and

(e) any credit exposure of a bank to a counterparty arising from a derivative transaction or a securities financing transaction as defined in ARM 2.59.125.

(3) "Person" means an individual, a corporation, a government, governmental subdivision or agency, a business trust, an estate, a trust, a partnership or association, a limited liability company, two or more persons having a joint or common interest, or any other legal or commercial entity.

AUTH: 32-1-211, 32-1-432, MCA
IMP: 32-1-211, 32-1-432, MCA

REASON: As described in the General Reasonable Necessity Statement, New Rules XVII through XXII are intended to replace the current limitations on loans rule. The meaning of the current rule is not being changed. New Rule XVII defines key

terms relevant to limitations on loans and the requirements set forth in New Rules XVIII through XXIII.

NEW RULE XVIII LEGAL LENDING LIMIT (1) If no direct benefit is received or no common enterprise exists, the combined loans or extensions of credit to a commonly owned or controlled group of borrowers shall not exceed three times the bank's lending limit.

AUTH: 32-1-211, 32-1-432, MCA
IMP: 32-1-211, 32-1-432, MCA

NEW RULE XIX COMBINATIONS OR GUARANTEES (1) Loans or extensions of credit to a person will be combined with loans or extensions of credit to one or more other persons when:

(a) proceeds of a loan or extension of credit are to be used for the direct benefit of the other person; or

(b) a common enterprise is deemed to exist between the persons, to the extent that loan proceeds are used for the benefit of the common enterprise and repayment is dependent upon the common enterprise.

(2) A loan or extension of credit guaranteed by a person shall be aggregated with the person's other loans and extensions of credit only to the extent that the person receives direct benefit from the loan.

AUTH: 32-1-211, 32-1-432, MCA
IMP: 32-1-211, 32-1-432, MCA

NEW RULE XX DIRECT BENEFIT (1) A direct benefit exists when the proceeds of a loan or extension of credit to a person are deemed to be used to the advantage of another person. The amount of the loan will be attributed to the other person when the proceeds, or assets purchased with the proceeds, are transferred to the other person. If the proceeds are used to acquire property, goods, or services through a bona fide arm's length transaction, a direct benefit does not exist regarding the seller of the property, goods, or services. A bona fide arm's length transaction is an actual transaction, performed in good faith, between two or more parties, with each party acting in their own self-interest.

AUTH: 32-1-211, 32-1-432, MCA
IMP: 32-1-211, 32-1-432, MCA

NEW RULE XXI COMMON ENTERPRISE (1) A common enterprise occurs when two or more persons combine to acquire, operate, or control a business enterprise or property interest.

(2) Credit to a common enterprise includes:

(a) loans or extensions of credit to two or more persons when the loans or extensions of credit are used for a common purpose; the expected source of repayment for each loan or extension of credit is the same for two or more of the persons, and those persons lack another source of income from which the loans or

extensions of credit, together with the person's other liabilities, may be fully repaid; and

(b) loans or extensions of credit made to persons who are related directly or indirectly through common control, including where one person is directly or indirectly controlled by another person; and if substantial financial interdependence exists between or among the persons. Substantial financial interdependence is deemed to exist when 50% or more of one person's gross receipts or gross expenditures, on an annual basis, are derived from transactions with the other person.

AUTH: 32-1-211, 32-1-432, MCA
IMP: 32-1-211, 32-1-432, MCA

NEW RULE XXII EXCLUSIONS (1) The following items will be excluded when calculating the amount of a person's total loans and extensions of credit:

(a) loans or extensions of credit, and participation in loans and extensions of credit, that have been sold, if:

(i) the loan, extension of credit, or the portion of the loan or extension of credit sold as a participation is sold without recourse to the selling bank; or

(ii) the participation agreement provides for a pro rata sharing of credit risk proportionate to the respective interests of the originating and participating lenders. Where a participation agreement provides that repayment must be applied first to the portions sold, a pro rata sharing will be deemed to exist only if the agreement also provides that, in the event of a default or comparable event defined in the agreement, participants must share in all subsequent repayments and collections in proportion to their percentage participation at the time of the occurrence of the event.

(b) loans, or extensions of credit, including portions thereof, that have been charged off the books of the bank in whole or in part, provided that the amounts charged off are:

(i) unenforceable by reason of discharge in bankruptcy;

(ii) no longer legally enforceable because of expiration of the statute of limitations or a judicial decision; or no longer legally enforceable for other reasons, provided that the bank maintains sufficient records to demonstrate that the loan is unenforceable;

(iii) credit exposures arising from securities financing transactions in which the securities financed are Type I securities, as defined in 12 CFR 1.2(j);

(iv) intraday credit exposures arising from a derivative transaction; or

(v) all other loans or portions of loans specifically exempted by provisions of 32-1-432, MCA, or other applicable laws.

AUTH: 32-1-211, 32-1-432, MCA
IMP: 32-1-211, 32-1-432, MCA

NEW RULE XXIII EXCEPTION TO GENERAL LIMITATION—NONCONFORMING LOANS (1) A loan or extension of credit that was within the limit on loans and extensions of credit when made, will not be deemed a violation of

the legal lending limit and will be treated as nonconforming if the loan or extension of credit is no longer in conformity with the bank's limit on loans and extensions of credit because:

(a) the bank's capital has declined, borrowers have subsequently merged or formed a common enterprise, lenders have merged, or the limit on loans and extensions of credit or capital rules have changed; or

(b) collateral securing the loan or extension of credit, in order to satisfy the requirements of an exception to the limit, has declined in value.

(2) A bank must use reasonable efforts to bring a loan or extension of credit that is nonconforming as a result of (1)(a) into conformity with the bank's limit on loans and extensions of credit unless to do so would be inconsistent with safe and sound banking practices.

(3) A bank must bring a loan or extension of credit that is nonconforming as a result of circumstances described in (1)(b) into conformity with the bank's limit on loans and extensions of credit within thirty calendar days, except when judicial proceedings, regulatory actions, or other extraordinary circumstances beyond the bank's control prevent the bank from taking action.

(4) Notwithstanding any provision of this rule, the department may by interpretation and policy statement prescribe standards for treatment of nonconforming extensions of credit that are derivative transactions, repurchase agreements, reverse repurchase agreements, securities lending transactions, or securities borrowing transactions, and may, if required for state insured banks or state member banks, rely upon rules or interpretations of the FDIC or the Federal Reserve Board, as applicable.

AUTH: 32-1-211, 32-1-432, MCA
IMP: 32-1-211, 32-1-432, MCA

REASON: This new rule is designed to clarify what happens when a loan that was not a legal lending limit violation when made, becomes one due to a change in circumstances. Because the loan did not violate the legal lending limit when made, it should not be considered a violation of the legal lending limit statute. The loan should be considered nonconforming. The provisions of (2) and (3) discuss what should be done to bring the loan back into compliance with the legal lending limit, unless it is imprudent to do so or circumstances beyond the bank's control prevent it. Section (4) gives the department flexibility to address nonconforming extensions of credit that are derivative transactions, repurchase agreements, reverse repurchase agreements, securities lending transactions, or securities borrowing transactions. Currently, no guidance on these issues exist. The department seeks to set level expectations if a loan becomes nonconforming due to a change in circumstances.

5. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

2.59.1101 APPLICATION PROCEDURE FOR APPROVAL TO ESTABLISH A NEW BRANCH BANK (1) An existing state-chartered bank that does not meet the criteria in [New Rule III(2)] shall file with the ~~Division of Banking and Financial~~

~~Institutions~~ department an application for approval to establish and operate a new branch bank.

(2) Applications shall be submitted ~~on a form acceptable to the Division of Banking and Financial Institutions. Information on the application format shall be obtained from the Division of Banking and Financial Institutions, Department of Administration, 301 South Park, P.O. Box 200546, Helena, MT 59620-0546, (406) 841-2920.~~ to the department using the Uniform Interstate Application/Notice form. Electronic submission of applications to banking@mt.gov is preferred.

(3) The applicant shall publish its notice of intent to establish a new branch bank using the following procedure:

(a) if the application for a new branch bank also requires the approval of either the federal reserve system or the federal deposit insurance corporation, the notice shall be published at the times and in the format required by the federal agency, except that the notice shall include the following ~~phrase~~ information which may be rephrased as needed: "Comments regarding this application should be forwarded in writing via email to banking@mt.gov. Comments will also be accepted by mail addressed to the Commissioner of Banking and Financial Institutions, Department of Administration, 301 South Park, P.O. Box 200546, Helena, MT 59620-0546. The application may be reviewed, during the comment period, at the above address by calling the commissioner's office at (406) 841-2920 and requesting an appointment";

(b) if the applicant does not fall under the regulatory jurisdiction of either the federal reserve system or the federal deposit insurance corporation, or if the publication requirement of the federal regulator has been eliminated, the ~~publication requirement shall be as follows:~~

~~(i) The~~ notice shall be published, following a format obtained from the ~~division~~ department, in a newspaper of general circulation in the community or communities where the main office of the bank and proposed branch bank are located. If there is no such newspaper in the community, then the notice shall be published in the newspaper of general circulation published nearest thereto. Publication shall be made at least once a week on the same day for two consecutive weeks.

(4) All written comments concerning the application must be received by the ~~Division of Banking and Financial Institutions~~ department no later than 15 calendar days following the date of the last publication of the notice of intent. Comments received more than 15 calendar days after the date of the last publication will not be considered in the decision to approve or deny the application. ~~Oral comments will not be considered, except for oral testimony that may be offered in the event of a public hearing.~~

(5) The application shall be ~~mailed~~ emailed or delivered to the ~~Division of Banking and Financial Institutions~~ department not more than ten days subsequent to the first publication of notice.

~~(6) Applications for new branch banks must be accompanied by a nonrefundable fee of $600 for each new branch bank application.~~

AUTH: 32-1-218, 32-1-372, MCA
IMP: 32-1-218, 32-1-372, MCA

REASON: This rule is being amended to be consistent with New Rule III. The rule is being amended to adopt the Uniform Interstate Application/Notice form and to make clear that email is the preferred method of delivery of applications and comments. The rule is being amended to allow the published statement to be rephrased as necessary for readability provided that the substance of the notice remains intact. Since there are no longer hearings on branch applications, oral comments cannot be accepted. The department has chosen to remove the fees for branch applications. The amount of money received in branch fees is insignificant in relation to the division's budget and the amount of assessments paid semi-annually by banks which is the main source of revenue required to fund the division's supervision of state-chartered banks. Over the past three fiscal years the division on average has received seven branch applications per fiscal year which translates to $4,200 annually.

2.59.1102 REVIEW PROCEDURE FOR APPLICATIONS FOR APPROVAL TO ESTABLISH A NEW BRANCH BANK (1) and (2) remain the same.

(3) ~~For applications that do not require a public hearing, the Division of Banking and Financial Institutions~~ The department shall issue its order approving or denying the application within 45 days after:

(a) through (c) remain the same.

~~(4) For applications that require a hearing, as provided for by 32-1-202(3) and 32-1-204(2), MCA, a final decision to approve or deny the application will be issued by the state banking board at a time after the completion of the hearing.~~

~~(5)~~(4) When the ~~Division of Banking and Financial Institutions~~ department or board approves an application to establish a new branch bank, it will provide written notification to the applicant and the appropriate federal regulatory agency(s). The notification will include any conditions subject to the approval. Summary notification of the decision will be mailed to all persons or entities that have submitted written comment to the application.

~~(6)~~(5) When the ~~Division of Banking and Financial Institutions~~ department denies an application to establish a new branch bank it will provide written notification to the applicant, the appropriate federal regulator(s) and all persons or entities that have submitted written comment to the application. The written notification to the applicant will include the reasons for the denial.

~~(7)~~(6) If ~~a~~ an administrative hearing is requested under MAPA on the denial of an application, the time for the filing of a request for a hearing must occur within 14 calendar days following the ~~division's~~ department's decision.

AUTH: 32-1-218, 32-1-372, MCA
IMP: 32-1-218, 32-1-372 MCA

REASON: SB 58 removed the requirement in 32-1-204, MCA, for hearings before the state banking board regarding bank branches. The rule is being redrafted to make clear that an applicant for a branch license who is denied a license may request an administrative hearing under MAPA if they make the request within 14 days after the denial. The authority and implementation citations are being

amended to accurately reflect all statutes implemented through the rule and provide the complete sources of the department's rulemaking authority.

2.59.1103 PROCEDURE FOLLOWING APPROVAL OF AN APPLICATION TO ESTABLISH A NEW BRANCH BANK (1) ~~For applications approved by the board or Division of Banking and Financial Institutions, the applicant bank within 18 months from the date of approval must establish and open the new branch bank for regular business.~~ A bank must open an approved branch within 18 months of the date of branch bank approval. Upon written request by the applicant and a finding of good cause by the ~~division~~ department, the 18-month period may be extended by the ~~division~~ department for a maximum of an additional six months.

(2) During the formation and establishment of the new branch bank, the applicant must inform the ~~division~~ department of significant changes affecting any of the commitments, representations or projections contained in the original application. Significant changes ~~including~~ include, but are not limited to, the location of the new branch bank, the services to be offered by the new branch bank, and the staffing or management of the new branch bank~~, the costs to be incurred during the construction, furnishing and fitting of the new branch bank or the projected operating costs of the new branch bank~~. Significant changes may be sufficient to void the ~~board or division's~~ department's approval.

~~(3) No later than ten business days before the new branch bank is opened for business, the applicant shall certify to the Division of Banking and Financial Institutions that all conditions imposed with the division's approval have been met and inform the division of the proposed opening date. The division will then issue a final order authorizing the new branch bank to open for business.~~

AUTH: 32-1-218, 32-1-372, MCA
IMP: 32-1-218, 32-1-372, MCA

REASON: This rule is being redrafted for readability and to reflect the current processes regarding branching. The authority and implementation citations are being amended to accurately reflect all statutes implemented through the rule and provide the complete sources of the department's rulemaking authority.

6. The department proposes to repeal the following rules:

2.59.108 LIMITATIONS ON LOANS

AUTH: 32-1-432, MCA
IMP: 32-1-432, MCA

REASON: The department proposes to repeal this rule and replace it with the provisions found in New Rules XVII through XXIII for the reasons described in the general reasonable necessity statement and accompanying each of the proposed new rules.

2.59.901 CHANGE OF LOCATION

AUTH: 32-1-372, MCA
IMP: 32-1-372, MCA

REASON: The department proposes to repeal this rule and replace it with the provisions found in New Rules I through VI for the reasons described in the general reasonable necessity statement and accompanying each of the proposed new rules. The new rules provide greater specificity with respect to bank branch consolidations and relocations.

7. Concerned persons may present their data, views, or arguments concerning the proposed rulemaking to Kelly O'Sullivan, Legal Counsel, Division of Banking and Financial Institutions, P.O. Box 200546, Helena, Montana 59620-0546; faxed to the office at (406) 841-2930; or e-mailed to banking@mt.gov; and must be received no later than 5:00 p.m., August 21, 2020.

8. If persons who are directly affected by the proposed actions wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to the person listed in 7 above no later than 5:00 p.m., August 5, 2020.

9. If the Division of Banking and Financial Institutions receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be four persons based on the 39 existing state-chartered banks.

10. An electronic copy of this proposal notice is available through the department's website at http://doa.mt.gov/administrativerules. The department strives to make its online version of the notice conform to the official published version, but advises all concerned persons that if a discrepancy exists between the official version and the department's online version, only the official text will be considered. In addition, although the department works to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems.

11. The Division of Banking and Financial Institutions maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this division. Persons who wish to have their name added to the mailing list shall make a written request that includes the name, mailing address, and e-mail address of the person to receive notices and specifies that the person wishes to receive notices regarding division rulemaking actions. Notices will be sent by e-mail unless

a mailing preference is noted in the request. Such written requests may be mailed or delivered to Heather Hardman, Division of Banking and Financial Institutions, 301 S. Park, Ste. 316, P.O. Box 200546, Helena, Montana 59620-0546; faxed to the office at (406) 841-2930; e-mailed to banking@mt.gov; or may be made by completing a request form at any rules hearing held by the department.

12. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted by regular mail on January 29, 2020.

13. The department has determined that under 2-4-111, MCA, the proposed adoption, amendment, and repeal of the above-stated rules will not significantly and directly impact small businesses.

By: /s/ John Lewis
John Lewis, Director
Department of Administration

By: /s/ Don Harris
Don Harris, Rule Reviewer
Department of Administration

Certified to the Secretary of State July 14, 2020.

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

| | | |
|---|---|---|
| In the matter of the amendment of ARM 2.59.429 pertaining to adoption of model bylaws and statutory reference | ) ) ) ) ) | NOTICE OF PROPOSED AMENDMENT<br><br>NO PUBLIC HEARING CONTEMPLATED |

TO: All Concerned Persons

1. On September 12, 2020, the Department of Administration proposes to amend the above-stated rule.

2. The Department of Administration will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Administration no later than 5:00 p.m. on August 5, 2020, to advise us of the nature of the accommodation that you need. Please contact Heather Hardman, Division of Banking and Financial Institutions, P.O. Box 200546, Helena, Montana 59620-0546; telephone (406) 841-2922; TDD (406) 841-2974; facsimile (406) 841-2930; or e-mail to banking@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

2.59.429 ADOPTION OF MODEL BYLAWS AND STATUTORY REFERENCE FOR CREDIT UNIONS (1) The ~~division~~ department adopts by reference the model bylaws of credit unions dated ~~August 2016~~ June 2020 and the model credit union bylaws statutory reference dated ~~August 2016~~ June 2020, to be used by incorporators when they want to start a new credit union. Both can be found on the ~~division's~~ department's web site at ~~http://banking.mt.gov/Home/Forms#164912241-credit-unions~~ www.banking.mt.gov.

AUTH: 32-3-201, MCA
IMP: 32-3-302, MCA

REASON: Montana law requires the department to make model bylaws available to incorporators and credit unions. The statutory reference is not required by law but may be of assistance to incorporators or credit unions.

The changes to these bylaws are necessitated by COVID-19. Because gathering sizes are limited and potentially risky to both credit union members and management of the credit union, the department is allowing credit unions to conduct virtual annual meetings.

Since virtual annual meetings are allowed, credit unions need election procedures that will allow elections to be conducted in formats other than in person, such as by mail or electronically. In general, the department recommends that credit unions adopt election procedures that recognize some members prefer to vote in person, while others prefer mail or electronic means. The goal of the election is to allow all members to vote, by whatever method they prefer.

The new bylaws allow for directors emeritus and associate directors. Director emeritus is an honorary title designed to recognize and reward the good service of a retired director. The designation rewards the individual and allows the credit union to retain the benefit of some of their institutional knowledge. The new bylaws set forth the requirements and procedures for directors emeritus. This is an optional designation.

Associate director positions are intended to provide qualified individuals with an opportunity to gain exposure to board meetings and discussions but without formal director responsibility or the right to vote. The new bylaws set forth the requirements and procedures for associate directors. This is also an optional designation.

4. Concerned persons may present their data, views, or arguments concerning the proposed action to Kelly O'Sullivan, Legal Counsel, Division of Banking and Financial Institutions, P.O. Box 200546, Helena, Montana 59620-0546; faxed to the office at (406) 841-2930; or e-mailed to banking@mt.gov; and must be received no later than 5:00 p.m., August 21, 2020.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to the person listed in 4 above no later than 5:00 p.m., August 5, 2020.

6. If the Division of Banking and Financial Institutions receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be one person based on the ten existing state-chartered credit unions.

7. An electronic copy of this proposal notice is available through the department's website at http://doa.mt.gov/administrativerules. The department strives to make its online version of the notice conform to the official published version, but advises all concerned persons that if a discrepancy exists between the official version and the department's online version, only the official text will be considered. In addition, although the department works to keep its website

accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems.

8. The Division of Banking and Financial Institutions maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this division. Persons who wish to have their name added to the mailing list shall make a written request that includes the name, mailing address, and e-mail address of the person to receive notices and specifies that the person wishes to receive notices regarding division rulemaking actions. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written requests may be mailed or delivered to Heather Hardman, Division of Banking and Financial Institutions, 301 S. Park, Ste. 316, P.O. Box 200546, Helena, Montana 59620-0546; faxed to the office at (406) 841-2930; e-mailed to banking@mt.gov; or may be made by completing a request form at any rules hearing held by the department.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. The department has determined that under 2-4-111, MCA, the proposed amendment of the above-stated rule will not significantly and directly impact small businesses.

By: /s/ John Lewis
John Lewis, Director
Department of Administration

By: /s/ Don Harris
Don Harris, Rule Reviewer
Department of Administration

Certified to the Secretary of State July 14, 2020.

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

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| In the matter of the adoption of New Rules I through IV pertaining to the Montana Hemp Research and Market Development Program | ) ) ) ) | NOTICE OF PUBLIC HEARING ON PROPOSED ADOPTION |

TO: All Concerned Persons

1. On August 13, 2020, at 1:00 p.m., the Department of Agriculture will hold a public hearing in Room 225 of the Scott Hart Building, at Helena, Montana, as well as virtually through the meeting platform Zoom to consider the proposed adoption of the above-stated rules. For the virtual meeting details, please contact Virginia Corbett by email at agr@mt.gov or by phone at (406) 444-3156.

2. The Department of Agriculture will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Agriculture no later than 5:00 p.m. on August 6, 2020, to advise us of the nature of the accommodation that you need. Please contact Cort Jensen, Department of Agriculture, 302 N. Roberts, Helena, Montana, 59601; telephone (406) 444-5402; fax (406) 444-5409; or e-mail agr@mt.gov.

3. The rules proposed to be adopted provide as follows:

NEW RULE I MONTANA HEMP ADVISORY COMMITTEE (1) The committee shall be an eight member committee consisting of six voting members actively involved in the production of hemp, one non-voting processing industry representative, and one non-voting representative from the Montana State University System.

(2) A majority of the committee members must be hemp "producers" per 80-11-510(3), MCA. Producer is defined in 80-11-503(5), MCA.

(3) Appointment terms shall be made at the director's discretion and reviewed annually.

AUTH: 80-11-504, MCA
IMP: 80-11-510, MCA

NEW RULE II DEFINITIONS (1) "Department" means the Montana Department of Agriculture.

(2) "Hemp" means all parts and varieties of the plant Cannabis sativa L. containing no greater than 0.3% tetrahydrocannabinol.

(3) "Net receipts" are defined as net weight multiplied by the price paid to the producer.

AUTH: 80-11-504, MCA

IMP: 80-11-503, 80-11-515, MCA

NEW RULE III ANNUAL HEMP ASSESSMENT - COLLECTION (1) Section 80-11-516, MCA charges the Montana Department of Agriculture with collecting the commodity assessment.

(2) The assessment shall be 1% of the net receipts of all hemp crops produced in Montana.

(3) The assessment per 80-11-515, MCA, will occur at the time of first sale by a seller and must be collected by the first purchaser of the commodity from the seller. It shall occur at the time of each settlement for the commodity purchased or by invoice form provided by the Montana Department of Agriculture.

(4) If the first purchaser is not a licensed Montana commodity dealer, producers must make a good faith effort to ensure that the assessment is collected and paid to the department.

AUTH: 8-11-504, MCA
IMP: 80-11-515, MCA

NEW RULE IV APPLICATIONS FOR HEMP RESEARCH AND MARKETING PROJECT FUNDS (1) Applications for project funding shall be filed with the department on or before December 1 of each year. Filing requirements will be made available publicly online no later than 30 days prior to application deadline.

(2) The advisory committee will review all research and marketing project applications at the first regular meeting each year and make a recommendation to the department as to which projects to fund and the amount of funding.

(3) Applicants shall be notified within 30 days after the committee's meeting concerning the disposition of their application(s).

(4) The department shall periodically evaluate all outstanding project agreements for adequate and satisfactory financial control, accounting, and performance by project participants.

(5) The department may modify or terminate the funding of any project if a determination is made that the grantee has not complied or cannot comply with a provision of the project agreement. The department shall notify the grantee in writing within 30 days of such determination, of the reasons for the determination, and the effective date of the modification or termination.

AUTH: 80-11-504, MCA
IMP: 80-11-511, MCA

4. The reason for these proposed rules is that upon advice of the Montana Hemp Advisory Committee, Montana hemp growers petitioned and successfully passed a referendum to create a hemp assessment.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Cort Jensen, Department of Agriculture, 302 N. Roberts, Helena,

Montana, 59601; telephone (406) 444-5402; fax (406) 444-5409; or e-mail agr@mt.gov, and must be received no later than 5:00 p.m., August 21, 2020.

6. Zach Coccoli, Department of Agriculture, has been designated to preside over and conduct this hearing.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in paragraph 5 or may be made by completing a request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the adoption of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Cort Jensen
Cort Jensen
Rule Reviewer

/s/ Ben Thomas
Ben Thomas
Director
Department of Agriculture

Certified to the Secretary of State July 14, 2020.

BEFORE THE GOVERNOR'S OFFICE
OF THE STATE OF MONTANA

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| In the matter of the repeal of ARM 14.8.101, 14.8.102, 14.8.103, 14.8.104, 14.8.105, 14.8.106, 14.8.107, 14.8.108, 14.8.109, 14.8.110, 14.8.121, 14.8.122, 14.8.123, 14.8.124, 14.8.125, 14.8.126, 14.8.127, 14.8.128, 14.8.201, 14.8.202, 14.8.203, 14.8.204, 14.8.205, 14.8.206, 14.8.210, 14.8.211, 14.8.212, 14.8.213, 14.8.214, 14.8.218, 14.8.219, 14.8.220, 14.8.221, 14.8.225, 14.8.226, 14.8.227, 14.8.228, 14.8.229, 14.8.230, 14.8.301, 14.8.302, 14.8.303, 14.8.304, 14.8.305, 14.8.306, 14.8.307, 14.8.308, 14.8.309, 14.8.310, and 14.8.311 and the adoption of New Rules I through VIII pertaining to energy supply emergency rules | NOTICE OF REPEAL AND ADOPTION |

TO: All Concerned Persons

1. On January 31, 2020, the Department of Environmental Quality (department), acting on behalf of the Governor's Office, published MAR Notice No. 14-7, pertaining to the public hearing on the proposed repeal and adoption of the above-stated rules at page 136 of the 2020 Montana Administrative Register, Issue No. 2.

2. The following rules have been repealed as proposed: ARM 14.8.101, 14.8.102, 14.8.103, 14.8.104, 14.8.105, 14.8.106, 14.8.107, 14.8.108, 14.8.109, 14.8.110, 14.8.121, 14.8.122, 14.8.123, 14.8.124, 14.8.125, 14.8.126, 14.8.127, 14.8.128, 14.8.201, 14.8.202, 14.8.203, 14.8.204, 14.8.205, 14.8.206, 14.8.210, 14.8.211, 14.8.212, 14.8.213, 14.8.214, 14.8.218, 14.8.219, 14.8.220, 14.8.221, 14.8.225, 14.8.226, 14.8.227, 14.8.228, 14.8.229, 14.8.230, 14.8.301, 14.8.302, 14.8.303, 14.8.304, 14.8.305, 14.8.306, 14.8.307, 14.8.308, 14.8.309, 14.8.310, and 14.8.311.

3. The following rules have been adopted exactly as proposed: New Rule I (14.8.401), New Rule II (14.8.402), New Rule IV (14.8.406), New Rule V (14.8.407), New Rule VI (14.8.410), New Rule VII (14.8.411), and New Rule VIII (14.8.412).

4. New Rule III (14.8.405) has been adopted as proposed but with the following changes from the original proposal, stricken matter interlined and new matter underlined:

<u>NEW RULE III (14.8.405) INFORMATION REQUIRED OF DISTRIBUTOR</u> (1) and (2) remain as proposed.

(3) Pursuant to 90-4-305(5), MCA, nothing in this rule requires a distributor to provide confidential information, trade secrets, or other facts of a proprietary nature.

~~(3)~~(4) The department shall inform the public about each supply alert or emergency and actions being taken to address it and actions that the public is requested or required to take.

5. The department has thoroughly considered the comments and testimony received. A summary of the comments received, and the department's responses are as follows:

COMMENT NO. 1: The proposed rules conflict with statute and would unlawfully require disclosure of confidential, trade secret, and proprietary information related to a distributor's emergency operation plans, critical infrastructure, power reserve sharing agreements, and other market agreements to which it is a party. The requirement in New Rule III that a distributor provide the department with information related to an energy supply emergency is at odds with 90-4-305(5), MCA, which states, in relevant part, "this part does not require the disclosure by a distributor of confidential information, trade secrets, or other facts of a proprietary nature."

New Rule III should be amended with the following addition, "Nothing in this rule requires a distributor to provide confidential information, trade secrets, or other facts of a proprietary nature." With the amendment noted above, New Rule VII would be unnecessary.

RESPONSE: Under the energy emergency statutes, the Governor is required to consider local, state, regional, and national energy needs and shortages when determining if a situation exists that threatens to seriously disrupt or diminish energy supplies to the extent that life, health, or property could be jeopardized, so that a supply alert or emergency declaration is appropriate, and to adopt rules to implement those provisions. Sections 90-4-308, 310(1), and 316, MCA.

Existing ARM 14.8.205 and 14.8.303 require submission of certain information by electricity distributors and certain petroleum distributors if a problem may prevent the distributor from meeting energy requirements of Montana customers. New Rule III was proposed to consolidate provisions of those two rules, which are being proposed for repeal, into one rule.

Proposed New Rule III lists broad types of information that a distributor must submit in a report if the distributor or Governor believes that an energy supply shortage exists that could lead to a supply alert or emergency, but does not specifically require submission of confidential information. The department believes that a distributor could supply information for the report that does not include confidential information.

If, however, a distributor were to believe that submission of confidential information was necessary to comply with New Rule III, its requirement for submission of information must be interpreted in context with the language of 90-4-305(5), MCA, and proposed New Rule VII(2), which does not require submission of confidential information. The department, on behalf of the Governor's office, cannot, by rule or request, require submission of information that is exempted from

submission by statute. The process described in proposed New Rule VII comports with the statute in that it does not require submission of confidential information.

If a distributor believes that information requested under proposed New Rule III is confidential, New Rule VII would provide it with options concerning submission of confidential information to the department. The distributor could decide:

1. Under New Rule VII(2)(a), not to submit information that it believes to be confidential. The distributor would be required to inform the department of the claim of confidentiality and describe the nature of the information. The description would enable the department to determine if the material is confidential. If the department disagrees with the distributor's claim of confidentiality, the material would not be in the department's control, and the department would have to sue for an order to obtain it. The information would not be disclosed unless a court determined that the information was not confidential. So, no confidential information would have to be submitted, and 90-4-305(5), MCA, would not be violated.

2. Under New Rule VII(2)(b), to submit the information with an affidavit establishing, to the department's satisfaction, the confidentiality of the information. If the department determines that the information is not confidential, the department would notify the submitter and not disclose the information for a reasonable period to give the submitter time to file a lawsuit to prevent disclosure. If the department determines that the information is confidential, it must hold the information as confidential and, upon receiving a request for disclosure, may not disclose it unless it first informs the submitter and provides a reasonable period for the submitter to obtain a court order designating the information confidential.

Because the distributor would be submitting information voluntarily under proposed New Rule VII(2)(b), 90-4-305(5), MCA, would not be violated, and the constitutional process for disclosing public information would be followed.

Reviewed by:

*/s/ Raphael Graybill*
RAPHAEL GRAYBILL
Rule Reviewer

BY: */s/ Patrick Holmes*
PATRICK HOLMES
Natural Resource Policy Advisor
Governor's Office

Certified to the Secretary of State July 14, 2020.

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

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| In the matter of the amendment of ARM 17.74.350, 17.74.352, 17.74.355, 17.74.359, and 17.74.364; the repeal of 17.74.401, 17.74.402, 17.74.403, and 17.74.404; and the adoption of New Rules I through IV pertaining to incorporation by reference, definitions, asbestos project permits, training provider requirements, fees, and refunds | CORRECTED NOTICE OF AMENDMENT, REPEAL, AND ADOPTION<br><br>(ASBESTOS) |

TO: All Concerned Persons

1. On February 28, 2020, the Department of Environmental Quality published MAR Notice No. 17-410, pertaining to the public hearing on the proposed amendment of the above-stated rules at page 354 of the 2020 Montana Administrative Register, Issue No. 4. On March 27, 2020, the department published a supplemental notice at page 525 of the 2020 Montana Administrative Register, Issue Number 6, where the public hearing was rescheduled to April 29, 2020, and the comment period was extended to May 1, 2020. On April 17, 2020, the department published an amended supplemental notice at page 633 of the 2020 Montana Administrative Register, Issue No. 7, where the in-person public hearing was changed to a teleconference. On June 26, 2020, the department published the notice of amendment, repeal, and adoption at page 1150 of the 2020 Montana Administrative Register, Issue No. 12.

2. This corrected notice is necessary because the effective dates for the rules were not included in the notice of amendment, repeal, and adoption.

3. For the amendment of ARM 17.74.350, 17.74.352, 17.74.355, 17.74.359, and 17.74.364, the effective date is June 27, 2020. For the repeal of ARM 17.74.401, 17.74.402, 17.74.403, and 17.74.404, the effective date is June 30, 2020. For the adoption of New Rules I through IV pertaining to permit and project fees, accreditation and accreditation renewal fees, course approval and renewal fees, and refunds, the effective date is July 1, 2020.

Reviewed by:

*/s/ Edward Hayes*
EDWARD HAYES
Rule Reviewer

DEPARTMENT OF ENVIRONMENTAL QUALITY

BY: */s/ Shaun McGrath*
SHAUN McGrath
Director

Certified to the Secretary of State July 14, 2020.

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
OF THE STATE OF MONTANA

| | | |
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| In the matter of the amendment of ARM 24.101.417 registration for out-of-state volunteer professionals | ) ) ) | NOTICE OF AMENDMENT |

TO: All Concerned Persons

1. On May 29, 2020, the Department of Labor and Industry (department) published MAR Notice No. 24-101-308 regarding the public hearing on the proposed amendment of the above-stated rule, at page 946 of the 2020 Montana Administrative Register, Issue No. 10.

2. On June 19, 2020, a public hearing was held on the proposed amendment of the above-stated rule in Helena. No comments were received by the June 26, 2020 deadline.

3. The department has adopted ARM 24.101.417 exactly as proposed.

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ BRENDA NORDLUND
Brenda Nordlund, Acting Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State July 14, 2020.

BEFORE THE BOARD OF MASSAGE THERAPY
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

| | | |
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| In the matter of the amendment of ARM 24.155.608 licensure of out-of-state applicants, 24.155.901 unprofessional conduct, and the adoption of New Rules I records, and II standards of practice | ) ) ) ) ) ) | NOTICE OF AMENDMENT AND ADOPTION |

TO: All Concerned Persons

1. On January 17, 2020, the Board of Massage Therapy (board) published MAR Notice No. 24-155-8 regarding the public hearing on the proposed amendment and adoption of the above-stated rules, at page 9 of the 2020 Montana Administrative Register, Issue No. 1. On February 14, 2020, the board published an amended notice of public hearing at page 247 of the 2020 Montana Administrative Register, Issue No. 3.

2. On March 11, 2020, a public hearing was held on the proposed amendment and adoption of the above-stated rules in Helena. Several comments were received by the March 13, 2020 deadline.

3. The board has thoroughly considered the comments received. A summary of the comments and the board responses are as follows:

COMMENT 1: Several commenters supported the work of the rules committee and most of the board's work except staff-influenced board decisions. The commenters opposed the rule changes as proposed and asserted the committee's work was misrepresented and presented in a confusing manner. The commenters recommended the board not amend ARM 24.155.608 and not adopt NEW RULE II, and took no position on NEW RULE I, except suggested using the term "licensee" throughout the rule.

RESPONSE 1: The board agrees with some of the commenters' concerns but not all. Regarding staff, the board understands the process is difficult but believes staff has represented the board's intent to protect the public. The board appreciates all the participation, time, and effort provided to assist the board in this rulemaking process. The board urges continued participation in the process.

COMMENT 2: One commenter was concerned regarding the proposed amendment to ARM 24.155.901 adding failure to maintain records per the requirements of NEW RULE I as unprofessional conduct. The commenter was concerned that a simple paperwork violation could result in unprofessional conduct and asserted the term unprofessional conduct is too loaded with negativity and urged the board to not proceed with this amendment.

RESPONSE 2: The board concluded that it better protects the public to add failure to comply to new standards as unprofessional conduct. These amendments will provide clear direction to licensees, so they can better guide their professional actions.

COMMENT 3: A commenter stated the proposed rule changes are over-regulation and fail to consider the circumstances of practicing in a rural state. The commenter urged the board to exempt practitioners working in clinics, doctor offices, chiropractor offices, and salons, since additional employees in these environments already provide a set of checks and balances.

RESPONSE 3: The board concluded that to protect the public adequately and fairly, it is not advisable to have different standards based on place of employment.

COMMENT 4: One commenter opposed the proposed changes to ARM 24.155.608 because it will lessen the requirements for hands-on training and allow applicants having completed only online coursework to become licensed to practice in Montana.

RESPONSE 4: The board notes that all applicants must meet the licensing criteria set in statute and the board's administrative rules, regardless of residency.

COMMENT 5: A commenter urged the board to not adopt NEW RULE II and stated that the rule was changed by staff and not what the board passed in its original motion. The commenter added that if the board proceeds with NEW RULE II, subsections (6)(e) - (h) should be amended to use the same language regarding licensees authorized or permitted under state law.

RESPONSE 5: See RESPONSE 1. The board agrees the use of different verbiage in the rule could cause confusion. The board's intent is that licensees practice only within the scope of their Montana licenses and is amending the rule to remove the unnecessary and repetitive provisions.

4. The board has amended ARM 24.155.608 and 24.155.901 exactly as proposed.

5. The board has adopted New Rule I (24.155.402) exactly as proposed.

6. The board has adopted New Rule II (24.155.902) with the following changes, stricken matter interlined, new matter underlined:

NEW RULE II (24.155.902) STANDARDS OF PRACTICE AND CODE OF ETHICS (1) through (6)(d) remain as proposed.

(e) only perform therapeutic treatments beyond the normal narrowing of the ear canal and normal narrowing of the nasal passages:

(i) as indicated in the plan of care; and

(ii) after receiving informed voluntary written consent; ~~and~~
~~(iii) only if the licensee is expressly authorized under state law;~~
(f) only perform therapeutic treatments in the oral cavity:
(i) as indicated in the plan of care; and
(ii) after receiving informed voluntary written consent; ~~and~~
~~(iii) only if the licensee is permitted to do so under state law;~~
(g) only perform therapeutic treatments into the anal canal:
(i) as indicated in the plan of care; and
(ii) remains as proposed.
~~(iii) only if the licensee is expressly authorized under state law; and~~
(h) only provide therapeutic breast massage:
(i) as indicated in the plan of care; and
(ii) after receiving informed voluntary written consent~~; and~~.
~~(iii) only if the licensee is permitted to do so under state law.~~
(7) remains as proposed.

BOARD OF MASSAGE THERAPY
TAMARA LEACH, CHAIRPERSON

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ BRENDA NORDLUND
Brenda Nordlund, Acting Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State July 14, 2020.

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES OF THE
STATE OF MONTANA

| | | |
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| In the matter of the amendment of ARM 37.40.307, 37.40.326, and 37.40.330 pertaining to nursing facility reimbursement | ) ) ) ) | NOTICE OF AMENDMENT |

TO: All Concerned Persons

1. On May 29, 2020, the Department of Public Health and Human Services published MAR Notice No. 37-919 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 949 of the 2020 Montana Administrative Register, Issue Number 10.

2. The department has amended the above-stated rules as proposed.

3. The department has thoroughly considered the comments and testimony received. A summary of the comments received and the department's responses are as follows:

COMMENT #1: Several commenters expressed their support for the proposed rule changes.

RESPONSE #1: The department thanks the commenters for their support.

COMMENT #2: A commenter expressed the benefits of including Joint Commission accreditation and provided recommendations for a quality-based program.

RESPONSE #2: The department thanks the commenter for their support and recommendations.

COMMENT #3: A commenter stated that the quality component is based on the total funding available for quality, but the proposed rules do not specify the available funding. The commenter recommends that the proposed rules include the amount of funding for the quality component.

RESPONSE #3: The amount of available funding was included in the quality component funding allocation spreadsheet, which has been publicly available during the rulemaking process at https://medicaidprovider.mt.gov/26#1875810696-proposed-rule-changes.

COMMENT #4: A commenter states that the quality component mentions a first and second allocation. The commenter is concerned that the rule is not clear on how and when the second allocation will be distributed.

RESPONSE #4: Both the first and second allocation are included in the reimbursement rate along with the flat rate component. The second allocation is used to ensure that the full amount of funds allocated for the quality component are included in the reimbursement rate. Since not all providers have a 3 Star or higher quality rating, the second allocation is the amount of funds that could have gone to those facilities. These funds are reallocated based on the percentage of funds each facility received in the first allocation. For example, if a facility has a 4 Star rating they would receive $2.25/day in the first allocation but with the funds from those facilities without a 3 Star or higher rating the second allocation provides the 4 Star facility with an additional $0.94/day for a total of $3.19/day quality component. Their reimbursement rate is $211.25 (208.06 + 3.19 = 211.25).

COMMENT #5: A commenter acknowledged that the Add-On Fee Schedule will help, but stated that the proposed nursing home Medicaid reimbursement rates for State Fiscal Year (SFY) 2021 do not cover the actual average cost of providing care to the residents, including the cost of high acuity Medicaid Residents, general inflation, and increasing care needs of residents.

RESPONSE #5: Section 53-6-113, MCA, sets forth a non-exhaustive list of factors the department may consider in establishing rates for reimbursement. These factors include: (1) the availability of appropriated funds; (2) actual cost of services; (3) quality of services; (4) professional knowledge and skills necessary for the delivery of services; and (5) availability of services. The department considered each of these factors in setting the proposed reimbursement rate and believes the rate has been established in a manner that appropriately balances these factors.

COMMENT #6: A commenter expressed their strong support for the proposed inclusion of rate add-ons for residents with significant needs that go beyond average care, but stated the available funding is not made clear in the rule proposal.

RESPONSE #6: The department thanks the commenter for their support. There is not an allocation of funds to all providers so the amount of funding will be based on the number of providers who seek add-ons and the combination of add-ons.

COMMENT #7: A commenter stated the rule is unclear on how the add-on fee schedule will work.

RESPONSE #7: ARM 37.40.330(2)(a) and (b), which the department is not proposing to change, address the process for receiving payment.

4. The department intends to apply these rules retroactively to July 1, 2020. A retroactive application of the proposed rules does not result in a negative impact to any affected party.

/s/ Robert Lishman
Robert Lishman
Rule Reviewer

/s/ Sheila Hogan
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State July 14, 2020.

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES OF THE
STATE OF MONTANA

| | | |
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| In the matter of the adoption of Temporary Emergency Rules I through III pertaining to limiting COVID-19 exposure in assisted living facilities | ) ) ) ) ) | NOTICE OF ADOPTION OF TEMPORARY EMERGENCY RULES |

TO: All Concerned Persons

1. The Department of Public Health and Human Services (department) is adopting the following emergency rules in response to the present resurgence of COVID-19 cases in the state that has disparately impacted vulnerable populations in nursing and assisted living facilities. As of the date of this filing, there have been 82 cases in residents and 61 cases in staff of these facilities. These cases have led to 16 deaths.

2. While older adults and people of any age who have serious underlying medical conditions are at higher risk of severe illness from COVID-19, there is increased risk for those living and working in assisted living facilities due to proximity to other residents and difficulties in maintaining social distancing measures. A recent national analysis estimates that up to 40 percent of all deaths in the United States due to COVID-19 have taken place in resident populations of similar facilities.

3. On April 29, 2020, Governor Bullock announced an expanded testing framework to test 60,000 Montanans per month. Primary focus was given within this framework to vulnerable communities, and particularly assisted living facilities and long-term care facilities such as nursing homes, whose residents are at highest risk of COVID-19-related hospitalization and/or death. Most of these facilities have embraced expanded testing and thousands of tests are being conducted around the state each day. A number of facilities, however, have not participated in baseline or ongoing testing.

4. Montana's Phase I guidance for lifting the Stay at Home Directive and reopening non-essential businesses maintained a prohibition on visitation in nursing and assisted living facilities. With Montana recently entering Phase II of reopening, the prohibition on visitation in these settings was lifted on June 25, 2020, subject to stringent safety and health measures. In response to the upward trend of positive cases, the Directive implementing the limited visitation in nursing and assisted living facilities was modified on July 8, 2020, to condition any visitation upon adherence to strict testing, screening, physical distancing, sanitation, hygiene, and other infection control protocols. These emergency rules establish the protocols that are necessary to follow for any assisted living facility that wishes to allow visitation.

For the foregoing reasons, the department adopts these emergency rules. These rules will remain in effect no longer than 120 days after the date of adoption.

5. EMERGENCY RULE I provides definitions that apply to this rulemaking. These definitions are necessary to clarify that a standard has been established by the Centers for Disease Control and Prevention (CDC) for appropriate personal protective equipment. These definitions are also necessary to help operators of assisted living facilities understand that the rules apply to a broad definition of staff, and not just employees who have direct care responsibilities. These definitions are also necessary to establish that a satisfactory COVID-19 test must meet particular sensitivity and specificity requirements.

6. EMERGENCY RULE II is necessary to provide a baseline test for assisted living facility operators so that appropriate action can be taken before relaxing any restrictions on visitation. This emergency rule is also necessary to make sure that potential sources of new infection within the facility are regularly monitored via testing so that appropriate mitigation measures can be taken upon introduction of COVID-19 into the facility.

7. EMERGENCY RULE III is necessary to provide assisted living facility operators guidance on minimal universal source control measures to ensure that visitors and other people entering a facility cannot infect residents. This emergency rule is also necessary to establish that facilities may not allow visitation when there is insufficient staffing within the facility to ensure that these measures are adequately implemented.

8. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who need an alternative accessible format of this notice. If you require an accommodation, contact Heidi Clark at the Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

9. The emergency rules are effective July 13, 2020.

10. The text of the emergency rules provides as follows:

EMERGENCY RULE I DEFINITIONS As used in these emergency rules, the following definitions apply:

(1) "Appropriate PPE" means personal protective equipment when available and consistent with CDC guidance on optimization of PPE. A copy of CDC guidance "Considerations for Preventing Spread of COVID-19 in Assisted Living Facilities" may be obtained from the Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov, or may be downloaded at the CDC website: https://www.cdc.gov/coronavirus/2019-ncov/hcp/assisted-living.html.

(2) "Assisted living facility" is defined at 50-5-101, MCA.

(3) "Staff" means all personnel working in the facility including, but not limited to, administrators, medical staff, employees, per diem staff, contractors with a regular presence in the facility, private duty patient or resident-contracted individuals, dietary, laundry and housekeeping personnel, and volunteers.

(4) "Test" means an authorized assay able to detect SARS-CoV-2 virus with greater than 95 percent sensitivity and greater than 90 percent specificity, such as a polymerase chain reaction test.

AUTH: 2-4-303, 50-5-226, MCA
IMP: 50-5-226, MCA

EMERGENCY RULE II COVID-19 TESTING REQUIREMENTS FOR VISITATION AND CASE NOTIFICATION (1) An assisted living facility may only allow visitors if the following COVID-19 testing requirements are met:

(a) the facility has received results of a baseline COVID-19 testing of all residents and staff showing no infection in the facility; and

(b) the facility has developed and implemented a testing plan that:

(i) upon identification of a resident or staff member with symptoms consistent with COVID-19 or upon a positive test for COVID-19, provides for all residents to be immediately tested and then re-tested weekly until all residents test negative;

(ii) provides for continued, weekly re-testing of all staff;

(iii) establishes a procedure for addressing residents or staff that decline or are unable to be tested (e.g., a symptomatic resident refusing testing in a facility with positive COVID-19 cases should be treated as positive); and

(iv) identifies an appropriately licensed practitioner who has issued an order for all testing that is within their scope of practice.

(2) All assisted living facilities must immediately, upon receipt of a positive COVID-19 test result of any staff or resident, notify the Quality Assurance Division, Licensing Bureau at (406) 444-1575; fax: (406) 444-1742; MTSSAD@mt.gov. This obligation is in addition to any communicable disease reporting duties to public health under ARM Title 37, chapter 114.

AUTH: 2-4-303, 50-5-226, MCA
IMP: 50-5-226, MCA

EMERGENCY RULE III COVID-19 UNIVERSAL SOURCE CONTROL REQUIREMENTS FOR VISITATION (1) An assisted living facility may only allow visitors if the facility has developed and implemented a written screening and control measure protocol for staff, residents, and all other persons entering the facility that includes:

(a) temperature checks screening for and excluding entry into the facility of any person with a temperature of 100.4 degrees Fahrenheit or greater;

(b) a questionnaire about symptoms or potential exposure and criteria for exclusion from entry into the facility;

(c) control measures must include the following:

(i) social distancing;

(ii) hand hygiene (e.g., use of an alcohol-based hand rub upon facility entry);

(iii) all outside persons entering facility must always wear a cloth face covering or face mask;

(iv) all residents must wear a cloth face covering or face mask when in common areas or when attending trips away from the facility; and

(v) staff must wear appropriate PPE when they are interacting with residents.

(2) An assisted living facility may not allow visitors when it is experiencing staffing shortages.

AUTH: 2-4-303, 50-5-226, MCA
IMP: 50-5-226, MCA

11. The rationale for the temporary emergency rules is as set forth in paragraphs 1 through 4.

12. It is presently unknown whether a standard rulemaking procedure will be undertaken prior to the expiration of these temporary emergency rules. The necessity and efficacy of these emergency rules will be continuously evaluated as the effort to combat the COVID-19 pandemic in Montana develops.

13. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in paragraph 8 or may be made by completing a request form at any rules hearing held by the department.

14. The bill sponsor contact requirements of 2-4-302, MCA, do not apply to this rulemaking.

/s/ Nicholas Domitrovich
Nicholas Domitrovich
Rule Reviewer

/s/ Sheila Hogan
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State July 13, 2020.

## NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEE

### Interim Committees and the Environmental Quality Council

Administrative rule review is a function of interim committees and the Environmental Quality Council (EQC). These interim committees and the EQC have administrative rule review, program evaluation, and monitoring functions for the following executive branch agencies and the entities attached to agencies for administrative purposes.

**Economic Affairs Interim Committee:**

- Department of Agriculture;
- Department of Commerce;
- Department of Labor and Industry;
- Department of Livestock;
- Office of the State Auditor and Insurance Commissioner; and
- Office of Economic Development.

**Education and Local Government Interim Committee:**

- State Board of Education;
- Board of Public Education;
- Board of Regents of Higher Education; and
- Office of Public Instruction.

**Children, Families, Health, and Human Services Interim Committee:**

- Department of Public Health and Human Services.

**Law and Justice Interim Committee:**

- Department of Corrections; and
- Department of Justice.

**Energy and Telecommunications Interim Committee:**

- Department of Public Service Regulation.

**Revenue and Transportation Interim Committee:**

- Department of Revenue; and
- Department of Transportation.

**State Administration and Veterans' Affairs Interim Committee:**

- Department of Administration;
- Department of Military Affairs; and
- Office of the Secretary of State.

**Environmental Quality Council:**

- Department of Environmental Quality;
- Department of Fish, Wildlife and Parks; and
- Department of Natural Resources and Conservation.

**Water Policy Interim Committee (where the primary concern is the quality or quantity of water):**

- Department of Environmental Quality;
- Department of Fish, Wildlife and Parks; and
- Department of Natural Resources and Conservation.

These interim committees and the EQC have the authority to make recommendations to an agency regarding the adoption, amendment, or repeal of a rule or to request that the agency prepare a statement of the estimated economic impact of a proposal. They also may poll the members of the Legislature to determine if a proposed rule is consistent with the intent of the Legislature or, during a legislative session, introduce a bill repealing a rule, or directing an agency to adopt or amend a rule, or a Joint Resolution recommending that an agency adopt, amend, or repeal a rule.

The interim committees and the EQC welcome comments and invite members of the public to appear before them or to send written statements in order to bring to their attention any difficulties with the existing or proposed rules. The mailing address is P.O. Box 201706, Helena, MT 59620-1706.

# HOW TO USE THE ADMINISTRATIVE RULES OF MONTANA AND THE MONTANA ADMINISTRATIVE REGISTER

Definitions:

**Administrative Rules of Montana (ARM)** is a looseleaf compilation by department of all rules of state departments and attached boards presently in effect, except rules adopted up to three months previously.

**Montana Administrative Register (MAR or Register)** is an online publication, issued twice-monthly, containing notices of rules proposed by agencies, notices of rules adopted by agencies, and interpretations of statutes and rules by the Attorney General (Attorney General's Opinions) and agencies (Declaratory Rulings) issued since publication of the preceding Register.

**Use of the Administrative Rules of Montana (ARM):**

Known Subject

1. Consult ARM Topical Index.
   Update the rule by checking recent rulemaking and the table of contents in the last Montana Administrative Register issued.

Statute

2. Go to cross reference table at end of each number and title which lists MCA section numbers and department corresponding ARM rule numbers.

# RECENT RULEMAKING BY AGENCY

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through March 31, 2020. This table includes notices in which those rules adopted during the period January 17, 2020, through July 10, 2020, occurred and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through March 31, 2020, this table, and the table of contents of this issue of the Register.

This table indicates the department name, title number, notice numbers in ascending order, the subject matter of the notice, and the page number(s) at which the notice is published in the 2020 Montana Administrative Register.

To aid the user, this table includes rulemaking actions of such entities as boards and commissions listed separately under their appropriate title number.

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## EXECUTIVE BRANCH APPOINTEES AND VACANCIES

Section 2-15-108, MCA, passed by the 1991 Legislature, directed that all appointing authorities of all appointive boards, commissions, committees, and councils of state government take positive action to attain gender balance and proportional representation of minority residents to the greatest extent possible.

One directive of 2-15-108, MCA, is that the Secretary of State publish monthly in the ***Montana Administrative Register*** a list of executive branch appointees and upcoming vacancies on those boards and councils.

In this issue, appointments effective in June 2020 appear. Potential vacancies from August 1, 2020 through October 31, 2020, are also listed.

**IMPORTANT**

Membership on boards and commissions changes constantly. The following lists are current as of July 1, 2020.

For the most up-to-date information of the status of membership, or for more detailed information on the qualifications and requirements to serve on a board, contact the appointing authority.

## EXECUTIVE BRANCH APPOINTEES FOR JUNE 2020

| Appointee | Appointed By | Succeeds | Appointment/End Date |
|---|---|---|---|
| **Advisory Council on Integrity in Wage Reporting and Employee Classification** | | | |
| Lt. Governor Mike Cooney | Governor | Reappointed | 6/19/2020 |
| Helena | | | 6/30/2021 |
| Qualifications (if required): Lieutenant Governor | | | |
| Mr. Doug Jackson | Governor | Reappointed | 6/19/2020 |
| Missoula | | | 6/30/2021 |
| Qualifications (if required): Representative from the construction community | | | |
| Mr. Mario Valdez Martinez | Governor | Reappointed | 6/19/2020 |
| Great Falls | | | 6/30/2021 |
| Qualifications (if required): Representative from organized labor | | | |
| Mr. Jack McBroom | Governor | Reappointed | 6/19/2020 |
| Helena | | | 6/30/2021 |
| Qualifications (if required): Representative from organized labor | | | |
| Commissioner Brenda Nordlund | Governor | Reappointed | 6/19/2020 |
| Helena | | | 6/30/2021 |
| Qualifications (if required): Commissioner of Labor and Industry | | | |
| Ms. Deborah Poteet | Governor | Reappointed | 6/19/2020 |
| Missoula | | | 6/30/2021 |
| Qualifications (if required): Representative from the contractor community | | | |

## EXECUTIVE BRANCH APPOINTEES FOR JUNE 2020

| Appointee | Appointed By | Succeeds | Appointment/End Date |
|---|---|---|---|
| **Advisory Council on Integrity in Wage Reporting and Employee Classification Cont.** | | | |
| Ms. Kimberly Rickard-Smeltzer | Governor | Reappointed | 6/19/2020 |
| Townsend | | | 6/30/2021 |
| Qualifications (if required): Representative of Organized Labor | | | |
| Director Gene Walborn | Governor | Reappointed | 6/19/2020 |
| Helena | | | 6/30/2021 |
| Qualifications (if required): Director of the Department of Revenue | | | |
| Mr. Bob Warren | Governor | Reappointed | 6/19/2020 |
| Columbia Falls | | | 6/30/2021 |
| Qualifications (if required): Representative from the construction contractor community | | | |
| **Board of Dentistry** | | | |
| Dr. Justin Hicks | Governor | Johnston | 6/8/2020 |
| Helena | | | 4/1/2025 |
| Qualifications (if required): Licensed Dentist | | | |
| **Heritage Preservation and Development Commission** | | | |
| Ms. Charity Fechter-Shirley | Governor | Poole | 6/5/2020 |
| Ennis | | | 5/1/2023 |
| Qualifications (if required): Public At-Large | | | |

## EXECUTIVE BRANCH APPOINTEES FOR JUNE 2020

| Appointee | Appointed By | Succeeds | Appointment/End Date |
|---|---|---|---|
| **Montana Hemp Advisory Committee** | | | |
| Ms. Jackee Beck<br>Deer Lodge<br>Qualifications (if required): Producer | Governor | None Stated | 6/19/2020<br>6/1/2021 |
| Mr. Ken Elliott<br>Fort Benton<br>Qualifications (if required): Ind Hemp LLC, Industry Ex-Officio | Governor | None Stated | 6/19/2020<br>6/1/2021 |
| Mr. Jamie Fitterer<br>Bozeman<br>Qualifications (if required): Producer | Governor | None Stated | 6/19/2020<br>6/1/2021 |
| Mr. Arlin Fratzke<br>Stevensville<br>Qualifications (if required): Producer | Governor | None Stated | 6/19/2020<br>6/1/2021 |
| Mr. Bart Icopini<br>Hysham<br>Qualifications (if required): Producer | Governor | None Stated | 6/19/2020<br>6/1/2021 |
| Mr. Robert Klingaman<br>Harlem<br>Qualifications (if required): Producer | Governor | None Stated | 6/19/2020<br>6/1/2021 |

## EXECUTIVE BRANCH APPOINTEES FOR JUNE 2020

| Appointee | Appointed By | Succeeds | Appointment/End Date |
|---|---|---|---|
| **Montana Hemp Advisory Committee Cont.** | | | |
| Mr. Perry Miller | Governor | None Stated | 6/19/2020 |
| Bozeman | | | 6/1/2021 |
| Qualifications (if required): MSU, Ex-Officio | | | |
| Ms. Kimberley Phillips | Governor | None Stated | 6/19/2020 |
| Helena | | | 6/1/2021 |
| Qualifications (if required): Producer | | | |
| Director Ben Thomas | Governor | None Stated | 6/19/2020 |
| Helena | | | 6/1/2021 |
| Qualifications (if required): Director of the Department of Agriculture | | | |
| **Montana Wheat and Barley Committee** | | | |
| Mr. Alan Klempel | Governor | Reappointed | 6/5/2020 |
| Bloomfield | | | 6/1/2023 |
| Qualifications (if required): Farmer deriving income from wheat or barley in District VII-Republican | | | |
| Mr. Michael V. O'Hara | Governor | Reappointed | 6/5/2020 |
| Fort Benton | | | 6/1/2023 |
| Qualifications (if required): Farmer deriving income from wheat or barley in District IV-Democrat | | | |

## EXECUTIVE BRANCH APPOINTEES FOR JUNE 2020

| Appointee | Appointed By | Succeeds | Appointment/End Date |
|---|---|---|---|
| **Potato Commodity Advisory Committee** | | | |
| Mr. William F. Buyan Jr.<br>Sheridan<br>Qualifications (if required): Potato Producer | Governor | Reappointed | 6/5/2020<br>3/1/2023 |
| Mr. Dave Cottom<br>Dillon<br>Qualifications (if required): Potato Producer | Governor | Reappointed | 6/5/2020<br>3/1/2023 |
| Mr. Tim Venhuizen<br>Manhattan<br>Qualifications (if required): Potato Producer | Governor | Reappointed | 6/5/2020<br>3/1/2023 |
| **Small Business Compliance Assistance Advisory Council** | | | |
| Ms. Diana Hammer<br>Helena<br>Qualifications (if required): Member who is not an owner | Governor | Bryan | 6/19/2020<br>5/1/2022 |
| Dr. Robin Kumar Saha<br>Missoula<br>Qualifications (if required): Member who is not an owner | Governor | Vanek | 6/19/2020<br>5/1/2022 |

## EXECUTIVE BRANCH APPOINTEES FOR JUNE 2020

| Appointee | Appointed By | Succeeds | Appointment/End Date |
|---|---|---|---|
| **State Employee Group Benefits Advisory Council** | | | |
| Ms. Michelle Wheat | Governor | Fladmo | 6/5/2020 |
| Helena | | | 12/31/2021 |
| Qualifications (if required): State Employees and Labor Organizations | | | |
| **Statewide Interoperability Communications Advisory Council** | | | |
| Mr. Mike Chambers | Governor | Wood | 6/5/2020 |
| Helena | | | 5/1/2022 |
| Qualifications (if required): Representative of Fires Services | | | |
| **Upper Columbia Conservation Commission (UC3)** | | | |
| Chairman Len Twoteeth | Governor | Clairmont | 6/5/2020 |
| Pablo | | | 5/9/2021 |
| Qualifications (if required): Representative of the Confederated Salish and Kootenai Tribes | | | |

## EXECUTIVE BRANCH VACANCIES – AUGUST 1, 2020 THROUGH OCTOBER 31, 2020

| Board/Current Position Holder | Appointed By | Term End |
|---|---|---|
| **Board of Barbers and Cosmetologists** | | |
| Mrs. Glenna Idelle Lee, Glendive | Governor | 10/1/2020 |
| Qualifications (if required): Licensed electrologist, esthetician, or manicurist | | |
| Ms. Amanda Thompson, Missoula | Governor | 10/1/2020 |
| Qualifications (if required): Licensed Electrologist, Esthetician or Manicurist | | |
| Mrs. Lauren Hansen, Missoula | Governor | 10/1/2020 |
| Qualifications (if required): Licensed Electrologist, Esthetician or Manicurist | | |
| **Board of Medical Examiners** | | |
| Dr. James Feist, Bozeman | Governor | 9/1/2020 |
| Qualifications (if required): Doctor of Medicine | | |
| **Board of Outfitters** | | |
| Representative Julie E. French, Scobey | Governor | 10/1/2020 |
| Qualifications (if required): Member of the general public | | |
| Mr. Hugo Tureck, Coffee Creek | Governor | 10/1/2020 |
| Qualifications (if required): Sportsperson | | |

## EXECUTIVE BRANCH VACANCIES – AUGUST 1, 2020 THROUGH OCTOBER 31, 2020

| Board/Current Position Holder | Appointed By | Term End |
|---|---|---|
| **Board of Outfitters Cont.** | | |
| Mr. John Way, Ennis | Governor | 10/1/2020 |
| Qualifications (if required): Outfitter licensed to provide fishing and hunting services | | |
| Mr. Kerry Fee, Livingston | Governor | 10/1/2020 |
| Qualifications (if required): Sportsperson | | |
| Ms. Marcia Brownlee, Missoula | Governor | 10/1/2020 |
| Qualifications (if required): Member of the general public | | |
| **Board of Private Security** | | |
| Ms. Holly Dershem-Bruce, Glendive | Governor | 8/1/2020 |
| Qualifications (if required): Member of the public | | |
| Mr. James Thomas, Canyon Creek | Governor | 8/1/2020 |
| Qualifications (if required): Member of the Montana Public Safety Officer Standards and Training (POST) Council | | |
| **Board of Psychologists** | | |
| Ms. Rebecca Ann Bird, Billings | Governor | 9/1/2020 |
| Qualifications (if required): General public | | |
| **Board of Veterans Affairs** | | |
| Mr. Bruce W. Knutson, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Representative of U.S. Senator Jon Tester, Non-Voting Member | | |

## EXECUTIVE BRANCH VACANCIES – AUGUST 1, 2020 THROUGH OCTOBER 31, 2020

| Board/Current Position Holder | Appointed By | Term End |
|---|---|---|
| **Board of Veterans Affairs Cont.** | | |
| Mr. Peter Olson, Culbertson | Governor | 8/1/2020 |
| Qualifications (if required): Region 5 Veteran | | |
| Mr. Denny Lenoir, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Representative of U.S. Senator Steve Daines, Non-Voting Member | | |
| Mr. Anson Nygaard, Billings | Governor | 8/1/2020 |
| Qualifications (if required): U.S. Senator Jon Tester Representative | | |
| **Building Codes Council** | | |
| Ms. Suzanne Small Trusler, Ashland | Governor | 10/1/2020 |
| Qualifications (if required): Representative from the building contractor industry | | |
| Mr. Jason Fitzgerald, Billings | Governor | 10/1/2020 |
| Qualifications (if required): Practicing architect licensed in Montana | | |
| Mr. John Michael Gordon, Butte | Governor | 10/1/2020 |
| Qualifications (if required): Licensed electrician | | |
| Ms. Deb Larson, Bozeman | Governor | 10/1/2020 |
| Qualifications (if required): Member of the general public | | |
| Mr. Matthew Lemert, Livingston | Governor | 10/1/2020 |
| Qualifications (if required): Licensed plumber selected by the Board of Plumbers | | |

**EXECUTIVE BRANCH VACANCIES – AUGUST 1, 2020 THROUGH OCTOBER 31, 2020**

| Board/Current Position Holder | Appointed By | Term End |
|---|---|---|
| **Building Codes Council Cont.** | | |
| Mr. Ron Bartsch, Montana City | Governor | 10/1/2020 |
| Qualifications (if required): Representative of the home building industry | | |
| Mr. John Edwin Carmody, Butte | Governor | 10/1/2020 |
| Qualifications (if required): Practicing professional engineer licensed in Montana | | |
| Mr. Robert Risk, Bozeman | Governor | 10/1/2020 |
| Qualifications (if required): County, city, or town building inspector | | |
| Mr. Dick Swingley, Helena | Governor | 10/1/2020 |
| Qualifications (if required): State Fire Marshall or designee | | |
| Mr. Joshua K. Wallery, Helena | Governor | 10/1/2020 |
| Qualifications (if required): Representative of the Manufactured Housing Industry | | |
| Mr. Jason Douglas Poston, Kalispell | Governor | 10/1/2020 |
| Qualifications (if required): Elevator Mechanic | | |
| **Burial Preservation Board** | | |
| Mr. Carl Davis, Missoula | Governor | 9/1/2020 |
| Qualifications (if required): Representative of the Montana Archaeological Association | | |
| Mr. Morris Belgard, Harlem | Governor | 9/1/2020 |
| Qualifications (if required): Representative of the Fort Belknap Indian Community | | |

## EXECUTIVE BRANCH VACANCIES – AUGUST 1, 2020 THROUGH OCTOBER 31, 2020

| Board/Current Position Holder | Appointed By | Term End |
|---|---|---|
| **Burial Preservation Board Cont.** | | |
| Mr. Gregory Kirkwood, Malta | Governor | 9/1/2020 |
| Qualifications (if required): Representative of the Montana Coroner's Association | | |
| Mr. Richard Parenteau, Great Falls | Governor | 9/1/2020 |
| Qualifications (if required): Representative of the Little Shell Tribe | | |
| **Equal Pay for Equal Work Task Force** | | |
| Commissioner Tom Lopach, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Co-Chair | | |
| Commissioner Brenda Nordlund, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Co-Chair | | |
| **Get Outdoors Montana (GO-MT) Advisory Council** | | |
| Mr. Joseph Willauer, Butte | Governor | 9/1/2020 |
| Qualifications (if required): Recreation user and interest groups | | |
| Mr. Marty Daniel Bannon, Great Falls | Governor | 9/1/2020 |
| Qualifications (if required): Recreation user and interest groups | | |
| Mr. A. Lee Boman, Seeley Lake | Governor | 9/1/2020 |
| Qualifications (if required): Recreation user and interest groups | | |
| Dr. Kayje Booker, Missoula | Governor | 9/1/2020 |
| Qualifications (if required): Conservation and stewardship organizations | | |

## EXECUTIVE BRANCH VACANCIES – AUGUST 1, 2020 THROUGH OCTOBER 31, 2020

| Board/Current Position Holder | Appointed By | Term End |
|---|---|---|
| **Get Outdoors Montana (GO-MT) Advisory Council Cont.** | | |
| Ms. Diane Leigh Bristol, Belgrade | Governor | 9/1/2020 |
| Qualifications (if required): Outdoor recreation industry | | |
| Mr. George H. Corn, Hamilton | Governor | 9/1/2020 |
| Qualifications (if required): Recreation user and interest groups | | |
| Ms. Jennifer Doherty, Missoula | Governor | 9/1/2020 |
| Qualifications (if required): Conservation and stewardship organizations | | |
| Mr. Andrew McKean, Glasgow | Governor | 9/1/2020 |
| Qualifications (if required): Recreation user and interest groups | | |
| Dr. Scott Mickelsen, Glendive | Governor | 9/1/2020 |
| Qualifications (if required): Recreation user and interest groups | | |
| Mr. Kevin Nemeth, Billings | Governor | 9/1/2020 |
| Qualifications (if required): Recreation user and interest groups | | |
| Mr. Jeffrey Todd Reed, Emigrant | Governor | 9/1/2020 |
| Qualifications (if required): Outdoor recreation industry | | |
| Representative Tyson Running Wolf, Browning | Governor | 9/1/2020 |
| Qualifications (if required): Local, tribal, state, and federally employed land stewards | | |
| Mr. Gray N. Thornton, Bozeman | Governor | 9/1/2020 |
| Qualifications (if required): Conservation and stewardship organizations | | |

## EXECUTIVE BRANCH VACANCIES – AUGUST 1, 2020 THROUGH OCTOBER 31, 2020

| Board/Current Position Holder | Appointed By | Term End |
|---|---|---|
| **Get Outdoors Montana (GO-MT) Advisory Council Cont.** | | |
| Mr. Kendall Van Dyk, Helena | Governor | 9/1/2020 |
| Qualifications (if required): Conservation and stewardship organizations | | |
| Ms. Kathy Weber Bates, Missoula | Governor | 9/1/2020 |
| Qualifications (if required): Outdoor recreation industry | | |
| Mr. Onno Charles Wieringa, Hungry Horse | Governor | 9/1/2020 |
| Qualifications (if required): Outdoor recreation industry | | |
| **Governor's Montana Forest Action Advisory Council** | | |
| Mr. Tony Incashola, Pablo | Governor | 9/15/2020 |
| Qualifications (if required): Confederated Salish and Kootenai Tribe Alternate | | |
| Mr. Clarence Sivertsen, Belt | Governor | 9/15/2020 |
| Qualifications (if required): Representative of the Little Shell Chippewa Tribe | | |
| Mr. Terry Spang, Lame Deer | Governor | 9/15/2020 |
| Qualifications (if required): Northern Cheyenne Tribal Representative | | |
| Mr. William Walks Along, Lame Deer | Governor | 9/15/2020 |
| Qualifications (if required): Northern Cheyenne Alternate | | |

## EXECUTIVE BRANCH VACANCIES – AUGUST 1, 2020 THROUGH OCTOBER 31, 2020

| Board/Current Position Holder | Appointed By | Term End |
|---|---|---|
| **Governor's Montana Forest Action Advisory Council Cont.** | | |
| Mr. Ray King, Harlem<br>Qualifications (if required): Fort Belknap Community Alternate | Governor | 9/15/2020 |
| Councilman Warren Morin, Harlem<br>Qualifications (if required): Representative of the Fort Belknap Community | Governor | 9/15/2020 |
| **Grizzly Bear Conservation and Management Advisory Council** | | |
| Senator Lorents Grosfield, Big Timber<br>Qualifications (if required): Livestock producer | Governor | 8/31/2020 |
| Mr. Bret N. Barney, Wyola<br>Qualifications (if required): Livestock producer | Governor | 8/31/2020 |
| Mr. Chad Bauer, Missoula<br>Qualifications (if required): Outdoor industry professional | Governor | 8/31/2020 |
| Dr. Darrin L. Boss, Havre<br>Qualifications (if required): Hunter | Governor | 8/31/2020 |
| Mr. Jonathan Bowler, Condon<br>Qualifications (if required): Conservation group | Governor | 8/31/2020 |
| Mrs. Trina Jo Bradley, Valier<br>Qualifications (if required): Livestock producer | Governor | 8/31/2020 |

## EXECUTIVE BRANCH VACANCIES – AUGUST 1, 2020 THROUGH OCTOBER 31, 2020

| Board/Current Position Holder | Appointed By | Term End |
|---|---|---|
| **Grizzly Bear Conservation and Management Advisory Council Cont.** | | |
| Ms. Caroline Byrd, Bozeman<br>Qualifications (if required): Conservation group | Governor | 8/31/2020 |
| Ms. Michele Dieterich, Hamilton<br>Qualifications (if required): Wildlife enthusiast | Governor | 8/31/2020 |
| Mrs. Erin Edge, Missoula<br>Qualifications (if required): Conservation group | Governor | 8/31/2020 |
| Mr. Nick Gevock, Helena<br>Qualifications (if required): Conservation organization | Governor | 8/31/2020 |
| Mr. Kameron Kelsey, Gallatin Gateway<br>Qualifications (if required): Livestock producer | Governor | 8/31/2020 |
| Ms. Robyn King, Troy<br>Qualifications (if required): Conservation group | Governor | 8/31/2020 |
| Mrs. Kristen Ellen Lime, Browning<br>Qualifications (if required): Tribal member | Governor | 8/31/2020 |
| Mr. Cole Mannix, Helena<br>Qualifications (if required): Conservation organization | Governor | 8/31/2020 |
| Mr. Heath Eric Martinell, Dell<br>Qualifications (if required): Livestock producer | Governor | 8/31/2020 |

## EXECUTIVE BRANCH VACANCIES – AUGUST 1, 2020 THROUGH OCTOBER 31, 2020

| Board/Current Position Holder | Appointed By | Term End |
|---|---|---|
| **Grizzly Bear Conservation and Management Advisory Council Cont.** | | |
| Mr. Chuck Roady, Columbia Falls<br>Qualifications (if required): Community leader | Governor | 8/31/2020 |
| Mr. Gregory Oliver Schock, Saint Ignatius<br>Qualifications (if required): Livestock producer | Governor | 8/31/2020 |
| Ms. Anne Schuschke, East Glacier<br>Qualifications (if required): Outdoor industry professional | Governor | 8/31/2020 |
| **Information Technology Managers Advisory Council** | | |
| Mr. Manuel Soto, Helena<br>Qualifications (if required): Information Technology Manager | Governor | 8/1/2020 |
| Ms. Angela Riley, Helena<br>Qualifications (if required): Information Technology Manager | Governor | 8/1/2020 |
| Ms. Christi Breland, Helena<br>Qualifications (if required): Information Technology Manager | Governor | 8/1/2020 |
| Mr. John Daugherty, Helena<br>Qualifications (if required): Information Technology Manager | Governor | 8/1/2020 |
| Ms. Kellee English, Helena<br>Qualifications (if required): Information Technology Manager | Governor | 8/1/2020 |

## EXECUTIVE BRANCH VACANCIES – AUGUST 1, 2020 THROUGH OCTOBER 31, 2020

| Board/Current Position Holder | Appointed By | Term End |
|---|---|---|
| **Information Technology Managers Advisory Council Cont.** | | |
| Mr. Kreh Germaine, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Information Technology Manager | | |
| Mr. Cody Jones, Boulder | Governor | 8/1/2020 |
| Qualifications (if required): Local Government Representative | | |
| Ms. Kim Warren, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Information Technology Manager | | |
| Mr. Butch Huseby, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Information Technology Manager | | |
| Mr. John Straughn, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Information Technology Manager | | |
| **Montana Agriculture Development Council** | | |
| Ms. Patricia Quisno, Harlem | Governor | 9/1/2020 |
| Qualifications (if required): Actively engaged in agriculture | | |
| **Montana Climate Solutions Council** | | |
| Mr. Paul Tuss, Havre | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |

## EXECUTIVE BRANCH VACANCIES – AUGUST 1, 2020 THROUGH OCTOBER 31, 2020

| Board/Current Position Holder | Appointed By | Term End |
|---|---|---|
| **Montana Climate Solutions Council Cont.** | | |
| Mr. Frank Diego Rivas, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |
| Director Martha Williams, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Director of the Department of Fish, Wildlife and Parks | | |
| Director Ben Thomas, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Director of the Department of Agriculture | | |
| Director John Lewis, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Director of the Department of Administration | | |
| Mr. Patrick Holmes, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Co-Chair, Governor's Office Representative | | |
| Mr. Alan Ekblad, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |
| Ms. Jennifer Anders, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Northwest Power Planning Council Representative | | |
| Mr. Tom Armstrong, Bozeman | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |
| Mr. Scott Bischke, Bozeman | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |

## EXECUTIVE BRANCH VACANCIES – AUGUST 1, 2020 THROUGH OCTOBER 31, 2020

| Board/Current Position Holder | Appointed By | Term End |
|---|---|---|
| **Montana Climate Solutions Council Cont.** | | |
| Mr. Bill Bryan, Bozeman | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |
| Ms. Amy Cilimburg, Missoula | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |
| Ms. Sally Ericsson, Whitefish | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |
| Ms. Kathy Hadley, Deer Lodge | Governor | 8/1/2020 |
| Qualifications (if required): Co-Chair, Member representing various geographic areas | | |
| Mr. Mark Haggerty, Bozeman | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |
| Mr. David Hoffman, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |
| Commissioner Galen Hollenbaugh, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Director of the Department of Labor and Industry | | |
| Ms. Kelsey Jensco, Missoula | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |
| Mr. Chuck Magraw, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |

## EXECUTIVE BRANCH VACANCIES – AUGUST 1, 2020 THROUGH OCTOBER 31, 2020

| Board/Current Position Holder | Appointed By | Term End |
|---|---|---|
| **Montana Climate Solutions Council Cont.** | | |
| Ms. Jayne Marrow, Chinook | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |
| Mr. Bruce Maxwell, Bozeman | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |
| Director Shaun McGrath, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Director of the Department of Environmental Quality | | |
| Mr. Todd O'Hair, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |
| Mr. Alan Olson, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |
| Ms. Caitlin Piserchia, Missoula | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |
| General Matthew Quinn, Fort Harrison | Governor | 8/1/2020 |
| Qualifications (if required): Director of the Department of Military Affairs | | |
| Director Tara Rice, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Director of the Department of Commerce | | |
| Mr. Eric Somerfeld, Power | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |

## EXECUTIVE BRANCH VACANCIES – AUGUST 1, 2020 THROUGH OCTOBER 31, 2020

| Board/Current Position Holder | Appointed By | Term End |
|---|---|---|
| **Montana Climate Solutions Council Cont.** | | |
| Mr. Lee Spangler, Bozeman | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |
| Ms. Tracy Stone Manning, Missoula | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |
| Mr. Joe Thiel, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |
| Mr. Steve Thompson, Butte | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |
| Director Mike Tooley, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Director of the Department of Transportation | | |
| Director John Tubbs, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Director of the Department of Natural Resources and Conservation | | |
| Mr. Andrew Valainis, Missoula | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |
| Mr. Gerald Wagner, Browning | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |
| Ms. Charlene Waters Alden, Lame Deer | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |

## EXECUTIVE BRANCH VACANCIES – AUGUST 1, 2020 THROUGH OCTOBER 31, 2020

| Board/Current Position Holder | Appointed By | Term End |
|---|---|---|
| **Montana Climate Solutions Council Cont.** | | |
| Ms. Cathy Whitlock, Bozeman | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |
| Mr. Gary Wiens, Great Falls | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |
| Ms. Laura Wood Peterson, Billings | Governor | 8/1/2020 |
| Qualifications (if required): Member representing various geographic areas | | |
| Commissioner Tom Lopach, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Commissioner of the Department of Labor and Industry | | |
| Commissioner Brenda Nordlund, Helena | Governor | 8/1/2020 |
| Qualifications (if required): Commissioner of the Dept. of Labor and Industry | | |
| **Montana Forest Action Advisory Council** | | |
| Commissioner Carol Brooker, Thompson Falls | Governor | 9/15/2020 |
| Qualifications (if required): Federal, state, local and tribal governments | | |
| Mr. Steve Hedstrom, Raynesford | Governor | 9/15/2020 |
| Qualifications (if required): Conservation Districts | | |
| Mr. Jack Rich, Seeley Lake | Governor | 9/15/2020 |
| Qualifications (if required): Other relevant partners | | |

## EXECUTIVE BRANCH VACANCIES – AUGUST 1, 2020 THROUGH OCTOBER 31, 2020

| Board/Current Position Holder | Appointed By | Term End |
|---|---|---|
| **Montana Forest Action Advisory Council Cont.** | | |
| Mr. Mark Aagenes, Helena | Governor | 9/15/2020 |
| Qualifications (if required): Conservation Organizations | | |
| Mr. Fred Bicha, Kalispell | Governor | 9/15/2020 |
| Qualifications (if required): Other relevant partners | | |
| Ms. Jodi Bush, Helena | Governor | 9/15/2020 |
| Qualifications (if required): Federal, state, local, and tribal governments | | |
| Mr. Tony Colter, Deer Lodge | Governor | 9/15/2020 |
| Qualifications (if required): Forest products industry | | |
| Mr. Tom DeLuca, Missoula | Governor | 9/15/2020 |
| Qualifications (if required): Other relevant partners | | |
| Mr. Jim Durglo, Saint Ignatius | Governor | 9/15/2020 |
| Qualifications (if required): Federal, state, local, and tribal governments | | |
| Ms. Erin Farris-Olsen, Helena | Governor | 9/15/2020 |
| Qualifications (if required): Collaborative and Watershed Councils | | |
| Ms. Sonya Germann, Missoula | Governor | 9/15/2020 |
| Qualifications (if required): Federal, state, local, and tribal governments | | |
| Mr. Tony Harwood, Polson | Governor | 9/15/2020 |
| Qualifications (if required): Other relevant partners | | |

## EXECUTIVE BRANCH VACANCIES – AUGUST 1, 2020 THROUGH OCTOBER 31, 2020

| Board/Current Position Holder | Appointed By | Term End |
|---|---|---|
| **Montana Forest Action Advisory Council Cont.** | | |
| Mr. Blake Henning, Missoula<br>Qualifications (if required): Conservation organizations | Governor | 9/15/2020 |
| Mr. Donato Judice, Billings<br>Qualifications (if required): Federal, state, local, and tribal governments | Governor | 9/15/2020 |
| Mr. Tim Love, Missoula<br>Qualifications (if required): Collaborative and Watershed Councils | Governor | 9/15/2020 |
| Ms. Leanne Marten, Missoula<br>Qualifications (if required): Federal, state, local, and tribal governments | Governor | 9/15/2020 |
| Ms. Holly McKenzie, Columbia Falls<br>Qualifications (if required): Private landowners | Governor | 9/15/2020 |
| Director Shaun McGrath, Helena<br>Qualifications (if required): Federal, state, local, and tribal governments | Governor | 9/15/2020 |
| Mr. Jeff Mow, West Glacier<br>Qualifications (if required): Federal, state, local, and tribal governments | Governor | 9/15/2020 |
| Mr. Pete Nelson, Bozeman<br>Qualifications (if required): Conservation organization | Governor | 9/15/2020 |
| Commissioner Mark Peck, Libby<br>Qualifications (if required): Federal, state, local, and tribal governments | Governor | 9/15/2020 |

## EXECUTIVE BRANCH VACANCIES – AUGUST 1, 2020 THROUGH OCTOBER 31, 2020

| Board/Current Position Holder | Appointed By | Term End |
|---|---|---|
| **Montana Forest Action Advisory Council Cont.** | | |
| Mr. Gordy Sanders, Seeley Lake<br>Qualifications (if required): Forest products industry | Governor | 9/15/2020 |
| Mr. Jeff Schmidt, Red Lodge<br>Qualifications (if required): Recreation and tourism members | Governor | 9/15/2020 |
| Mr. Tom Schultz, Cour d'Alene, ID<br>Qualifications (if required): Forest products industry | Governor | 9/15/2020 |
| Mr. Cameron Sholly, Yellowstone National Park<br>Qualifications (if required): Federal, state, local, and tribal governments | Governor | 9/15/2020 |
| Mr. Land Tawney, Missoula<br>Qualifications (if required): Conservation organizations | Governor | 9/15/2020 |
| Mr. John Todd, Bozeman<br>Qualifications (if required): Conservation organizations | Governor | 9/15/2020 |
| Mr. Jason Todhunter, Harlowton<br>Qualifications (if required): Forest products industry | Governor | 9/15/2020 |
| Ms. Darcie Warden, Bozeman<br>Qualifications (if required): Conservation Organizations | Governor | 9/15/2020 |
| Mr. Tom Watson, Bozeman<br>Qualifications (if required): Federal, state, local, and tribal governments | Governor | 9/15/2020 |

## EXECUTIVE BRANCH VACANCIES – AUGUST 1, 2020 THROUGH OCTOBER 31, 2020

| Board/Current Position Holder | Appointed By | Term End |
|---|---|---|
| **Montana Forest Action Advisory Council Cont.** | | |
| Director Martha Williams, Helena | Governor | 9/15/2020 |
| Qualifications (if required): Federal, state, local, and tribal governments | | |
| **Montana Organic Commodity Advisory Council** | | |
| Mr. Matt Johnson, Hinsdale | Governor | 8/19/2020 |
| Qualifications (if required): Producer | | |
| Mr. Ty O'Connor, Broadus | Governor | 8/19/2020 |
| Qualifications (if required): Producer | | |
| Ms. Catherine Odden, Dutton | Governor | 8/19/2020 |
| Qualifications (if required): At-Large | | |
| **State Historic Preservation Review Board** | | |
| Mr. Jeff Shelden, Lewistown | Governor | 10/1/2020 |
| Qualifications (if required): Architect | | |
| Mr. Charles McLeod, Missoula | Governor | 10/1/2020 |
| Qualifications (if required): Archaeologist | | |
| Ms. Marcella Walter, Helena | Governor | 10/1/2020 |
| Qualifications (if required): Architectural Historian | | |

## EXECUTIVE BRANCH VACANCIES – AUGUST 1, 2020 THROUGH OCTOBER 31, 2020

| Board/Current Position Holder | Appointed By | Term End |
|---|---|---|
| **State Rehabilitation Council** | | |
| Mr. Scott Trent, Missoula | Governor | 10/1/2020 |
| Qualifications (if required): State Workforce Innovation Board | | |
| Ms. Coreen Louise Faulkner, Missoula | Governor | 10/1/2020 |
| Qualifications (if required): Advocacy Community | | |
| Ms. Tiffany Costa, Billings | Governor | 10/1/2020 |
| Qualifications (if required): Advocacy Community | | |
| Mr. Wayne Dagel, Billings | Governor | 10/1/2020 |
| Qualifications (if required): Advocacy Community | | |
| Mr. Nicholas Domitrovich, Helena | Governor | 10/1/2020 |
| Qualifications (if required): Department of Public Health and Human Services Director or designee | | |
| Ms. Brook Hodge, Missoula | Governor | 10/1/2020 |
| Qualifications (if required): Vocational Rehabilitation Counselor | | |
| Ms. Denise May, Missoula | Governor | 10/1/2020 |
| Qualifications (if required): Advocacy Community | | |
| Mr. Andrew Clayton Kemp, Bozeman | Governor | 10/1/2020 |
| Qualifications (if required): Advocacy Community | | |
| Ms. Michele Letendre, Bozeman | Governor | 10/1/2020 |
| Qualifications (if required): Advocacy Community | | |

## EXECUTIVE BRANCH VACANCIES – AUGUST 1, 2020 THROUGH OCTOBER 31, 2020

| Board/Current Position Holder | Appointed By | Term End |
|---|---|---|
| **State Rehabilitation Council Cont.** | | |
| Ms. Chanda Hermanson-Daley, Helena | Governor | 10/1/2020 |
| Qualifications (if required): DPHHS-DETD Division Administrator | | |
| Mr. Marvin Weatherwax Sr., Browning | Governor | 10/1/2020 |
| Qualifications (if required): Tribal Vocational Rehabilitation Director Representative | | |
| Mr. Scott Eychner, Helena | Governor | 10/1/2020 |
| Qualifications (if required): State Workforce Innovation Board | | |
| Ms. Cheri Reed-Anderson, Miles City | Governor | 10/1/2020 |
| Qualifications (if required): Vocation Rehabilitation Counselor | | |
| **Water and Wastewater Operators' Advisory Council** | | |
| Ms. Starr Sullivan, Florence | Governor | 10/1/2020 |
| Qualifications (if required): Treatment plant operator holding the highest class certification | | |
| **Workers' Compensation Court Judge** | | |
| Mr. David M. Sandler, Kalispell | Governor | 9/7/2020 |
| Qualifications (if required): Judge | | |

# MONTANA ADMINISTRATIVE REGISTER

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**COREY STAPLETON**
SECRETARY OF STATE

P.O. BOX 202801
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